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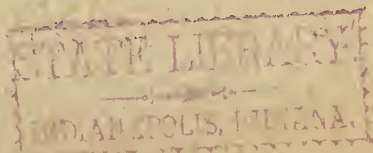
JOURNAL
OF THE
SENATE
OF THE
STATE OF INDIANA,
DURING THE
SEVENTEENTH SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCED AT INDIANAPOLIS, ON MONDAY THE
3d OF DECEMBER, 1832.

INDIANAPOLIS:

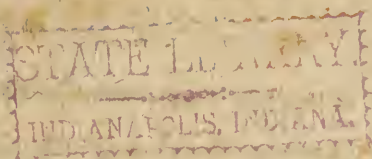
A. F. MORRISON, PRINTER TO THE SENATE.

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1832.



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SENATE

OF THE

STATE OF INDIANA.

The Seventeenth Session of the General Assembly commenced on Monday the 3d day of December, 1822, at Indianapolis, in the county of Marion, in conformity with the constitution and laws of the State, on which day, at 10 o'clock, A. M. the Senate assembled.

PRESENT,

David Wallace, Lieutenant Governor and President, who, having taken his seat and directed a call of the Members, the following gentlemen answered to their names:

From the counties of Jackson, Scott and Jennings—William Graham.

From the county of Harrison—Dennis Pennington.

From the counties of Knox, Daviess and Martin—John Ewing.

From the counties of Monroe, Greene and Owen—James Whitcomb.

From the county of Putnam—Joseph Orr.

From the counties of Posey, Vanderburgh and Warrick—Thomas Givens.

From the counties of Spencer, Perry and Crawford—Samuel Frisbie.

From the county of Franklin—Enoch M'Carty.

From the counties of Switzerland and Ripley—John Dumont.

From the counties of Fayette and Union—James Leviston.

From the counties of Sullivan, Vigo and Clay—James Farrington.

From the counties of Marion, Hamilton and all the country north of Hamilton to the great Miami reservation—Calvin Fletcher.

From the county of Dearborn—James T. Pollock.

From the counties of Shelby and Decatur—Thomas Hendricks.

From the counties of Hendricks, Morgan and Boone—Levi Jessup.

From the counties of Tippecanoe, Carroll and Cass—Othniel L. Clark.

From the counties of Montgomery and Clinton—John Beard.

From the counties of Johnson and Bartholomew—William Herod.

From the county of Fountain—Benjamin F. Wallace.

From the counties of Vermillion and Warren—James Blair.

The following gentlemen, elected Senators since the last session of the General Assembly, appeared, viz:

From the counties of Orange and Lawrence—Samuel Chambers.

From the county of Wayne—David Hoover.

From the county of Rush—Amaziah Morgan.

From the county of Washington—Ezekiel D. Logan.

From the county of Jefferson—David Hillis.

From the counties of Gibson, Pike and Dubois—David Robb.

From the county of Parke—Hugh F. Feeny.

From the counties of Henry, Madison and Hancock—Elisha Long.

From the counties of Clark and Floyd—John M. Lemon.

From the counties of Randolph, Delaware, Allen, Elkhart and St. Joseph—Samuel Hanna.

Who, having severally produced their credentials and taken the oath and affirmation prescribed by the constitution, in presence of the Senate, took their seats.

On motion of Mr. Whitecomb, the Senate proceeded to the election of a Secretary, Messrs. Blair and Ewing were appointed tellers, and upon counting the votes, it appeared that John H. Farnham was elected, he having received twenty-eight votes.

On motion of Mr. Morgan, the Senate proceeded to the election of an Assistant Secretary, Messrs. Givens and Robb were appointed tellers, and upon counting the votes, it appeared that Austin W. Morris was unanimously elected.

The Secretary and Assistant Secretary were then sworn into office.

On motion of Mr. Fletcher, the Senate proceeded to the election of an Enrolling Secretary, Messrs. Graham and Pennington were appointed tellers, and upon counting the votes, it appeared that John Finley was elected, he having received twenty-nine votes.

Whereupon Mr. Finley appeared and took the oath of office.

On motion of Mr. Blair, the Senate proceeded to elect a Door Keeper, Messrs. Beard and M'Carty were appointed tellers, and upon counting the votes, on the second balloting, it appeared that

Oliver Morse was duly elected, who was thereupon sworn into office.

On motion of Mr. Orr, the Senate proceeded to the election of a Sergeant at Arms, Messrs. Orr and Morgan were appointed tellers, and upon counting the votes, on the sixth balloting, it appeared that Austin M. Puett was duly elected, who appeared and took the oath of office.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the House of Representatives be informed that the Senate has convened, formed a quorum, elected John H. Farnham, Secretary, Austin W. Morris, Assistant Secretary, John Finley, Enrolling Secretary, Austin M. Puett, Sergeant at Arms and Oliver Morse, Door Keeper, and that they are now ready to proceed to legislative business, and that the Secretary be instructed to communicate the same to the House.

And on motion,

The Senate adjourned until 2 o'clock, P. M.

Two o'clock, P. M.

The Senate assembled.

Mr. Ewing presented for the consideration of the Senate, the following resolution, viz:

Resolved, That the Joint Rules which were in force, for the government of the last General Assembly, be revived and adopted by the Senate, as rules of joint action, for the present session, and that the House of Representatives be informed of the adoption of said joint rules.

Mr. Clark now gave notice to the Senate, that he would, on to-morrow, move to amend the present joint rules for the government of the two Houses of the General Assembly, by the addition of the following, viz:

"When both Houses meet together to hold any election in which they vote by joint ballott, or to perform any other legal or constitutional duty, the President of the Senate and the Speaker of the House shall jointly be empowered to preserve order during the sitting of such convention.

On motion of Mr. Lemon,

The Senate adjourned until to-morrow morning at nine o'clock.

TUESDAY, DECEMBER 4, 1832.

The Senate assembled.

In conformity with the rules of the Senate, the President announced the appointment of the following standing committees, viz:

1. On Elections—Messrs. Givens, Pennington, Blair, Frisbie, Leviston and Wallace.

2. On Ways and Means—Messrs. Graham, Hillis, Pennington, Robb, Orr, Givens, M'Carty and Clark.

3. On Education—Messrs. Whitcomb, Dumont, Hillis, Clark, Farrington, Herod and Chambers.

4. On the Judiciary—Messrs. Fletcher, Whitcomb, Farrington, Dumont, Herod, Frisbie and M'Carty.

5. On Military Affairs—Messrs. Morgan, Orr, Logan, Lemon, Long and Feeny.

6. On Roads—Messrs. Hendricks, Robb, Beard, Pennington, Givens, Jessup, Hoover and Wallace.

7. On Canals and Internal Improvements—Messrs. Ewing, Farrington, Blair, Orr, Clark, Beard, Feeny, Hanna, Hillis, Dumont and M'Carty.

8. On the State Prison—Messrs. Lemon, Leviston, Hoover, Graham, Herod and Jessup.

9. On the Affairs of the Town of Indianapolis—Messrs. Pollock, Lemon, Hoover, Long, Whitcomb, Dumont and Fletcher.

10. On Claims—Messrs. Pennington, Frisbie, Logan, Robb, Wallace, Jessup, Leviston and Chambers.

11. On the State Library—Messrs. Dumont, Ewing, Frisbie, Farrington, Hanna and Blair.

12. Joint Committee on Public Buildings—Messrs. Orr, Farrington, Hillis, Blair, Dumont, Hanna and Fletcher.

13. On Unfinished Business—Messrs. Blair, Morgan and Long.

On Enrolled Bills—Messrs. Beard and Leviston.

At the same time the chair announced the following, as the order of the business to be observed by the Senate during the present session, and until changed by the same, viz:

1. Reading the Journal of the preceding day.

2. Petitions, Memorials and Remonstrances.

3. Reports from Standing Committees, in the following order:

viz:

1. On Elections.

2. On Ways and Means.

3. On the Judiciary.

4. On Education.

5. On Military Affairs.

6. On Roads.

7. On Canals and Internal Improvements.
8. On the Affairs of the Town of Indianapolis.
9. On Claims.
10. On the State Prison.
11. On the State Library.
12. Joint Committee on Public Buildings.
13. On Unfinished Business.

4. Reports from Select Committees.

5. Resolutions of the Senate.

6. Joint Resolutions.

7. Bills.

8. Orders of the day.

The committee on Enrolled Bills is not restricted by the preceding rules, but may report at any time.

Mr. Logan offered for the consideration of the Senate, the following resolution, viz:

Resolved, That the credentials of the newly elected members of this body, be referred to the committee on Elections.

Which was read and adopted.

On motion of Mr. Morgan, the following resolution was adopted, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and if any, what amendments are necessary to the act entitled an act directing the mode of suing out and prosecuting writs of *habeas corpus*, approved January 12, 1832.

On motion of Mr. Whitcomb, the following resolution was adopted, viz:

Resolved, That one reporter for each of the public newspapers, printed in this town, be allowed to occupy a seat within the Senate chamber, to report the proceedings of this body, during its present session.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the Clerk of the House of Representatives inform the Senate, that the House of Representatives have met, formed a quorum, elected John W. Davis Speaker, Albert S. White, Principal Clerk, Jesse Jackson, Assistant Clerk, Rufus Haymond, Enrolling Clerk and J. B. E. Reed, Door Keeper, and are now ready to proceed to Legislative business.

The following message was received from the House of Representatives, by the same gentleman:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate that they have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee, to be appointed on the part of the Senate, to wait on the Governor, and inform him that the two Houses have met, elected their officers and are ready to hear any communication he may think proper to make, and to know of him, at what time he will make a communication.

Messrs. Moore and Hargrove have been appointed that committee, on the part of the House.

On motion of Mr. Pennington, the Senate reciprocate the resolution of the House of Representatives, just communicated.

Ordered, That Messrs. Pennington and Robb be the committee, on the part of the Senate, to act with that appointed by the House of Representatives, and that they be informed of the adoption of this resolution.

Mr. White, Clerk of the House of Representatives, delivered the following message:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution, viz:

Resolved, That the rules and joint rules that were adopted at the last session of the General Assembly, by the House of Representatives, for their government, be and the same are hereby adopted, for the government of the House of Representatives, during the present session.

Mr. Morgan moved to reconsider the resolution presented to the Senate on yesterday, by Mr. Ewing, and adopted, relative to joint rules.

Which motion was decided in the negative.

Mr. Clark, agreeably to his notice of yesterday, now moved to amend the joint rules for the government of the two Houses, by the adoption of the following:

"When both Houses meet together to hold any election, in which they vote by joint ballot, or to perform any other legal or constitutional duty, the President of the Senate and the Speaker of the House, shall jointly be empowered to preserve order during the sitting of such convention."

Which motion was decided in the negative.

Mr. White, Clerk of the House of Representatives, now delivered the following communication from the House:

Mr. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That a committee of one be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. C. W. Ruter, and request him to attend in the Representative Hall, this morning and open the present session of the General Assembly, by solemn prayer, and that the Senate be invited to attend, that they be informed hereof, and that seats are provided for them on the right of the Speaker's chair, and a similar committee on their part requested.

Mr. Wallace has been appointed of that committee, on the part of the House.

On motion of Mr. Whitcomb, the invitation of the House of Representatives is accepted.

Ordered, That Mr. Whitcomb be a committee on the part of the Senate, to wait on the Rev. Mr. Ruter.

Mr. Morgan offered for consideration, the following resolution, which was adopted, viz:

Resolved, That the committee on Education be instructed to inquire into the expediency of providing by law, a method to ascertain the amount of school funds to be reserved for the use of any district that may be unable to build a sufficient school house or support a school.

Mr. Clark offered for consideration, the following resolution:

Resolved, That the committee on Elections be instructed to inquire into the expediency of confining voters in all elections to their proper townships.

Which was read and decided in the negative.

Mr. Whitcomb, from the joint committee appointed to wait on the Rev. C. W. Ruter, and request him to attend in the Representative hall, on this morning and open the present session of the General Assembly, with solemn prayer, now reported that the committee had discharged that duty, and that the Rev. Mr. Ruter had accepted the invitation of the General Assembly and was now in attendance, ready to fulfil their wishes.

Mr. White, Clerk of the House of Representatives, now informed the Senate that their presence was requested in the House, on the occasion just referred to.

Whereupon the Senate repaired to the hall of the House of Representatives, and united in a solemn and appropriate address to the Deity, after which they returned to their chamber.

Mr. Graham offered for consideration, the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of amending the law relative to Con-

gressional townships, so as to compel township trustees to take an oath of office and enter into bond, with security for the discharge of their duties as such, and also to provide for paying such trustees for the services performed by them.

Which was read, and

On motion of the same gentleman, laid on the table.

Mr. Pennington, from the joint committee appointed to wait on the Governor, now reported that they had performed that duty, and had received for answer, that the Governor would, on this day, at 3 o'clock, P. M. in person, deliver, to the two Houses of the General Assembly, a communication.

Mr. Ewing submitted for adoption, the following resolution:

Resolved, That the committee on Canals and Internal Improvements be instructed to prepare and present to this House for its approval, a memorial and joint resolution to the Congress of the United States, requesting appropriations of land or money sufficient to improve the navigation of the Wabash and White rivers, as reserved highways, to the points to which they have, by law been declared navigable.

Which was read and adopted, and

On motion,

The Senate adjourned until 3 o'clock, P. M.

Three o'clock, P. M.

The Senate assembled.

Mr. White, Clerk of the House of Representatives, now informed the Senate, that the House had adopted the following resolution, viz:

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, instantler, to hear the communication of His Excellency the Governor, and that seats be provided for them on the right of the Speaker's chair.

On the reception of which, the Senate repaired to the hall of the House of Representatives, where the following address was delivered by the Governor:

GENTLEMEN OF THE SENATE,
AND HOUSE OF REPRESENTATIVES:

Clothed with those powers conferred by the Constitution upon the branches of Government, to which we severally belong, we have come together to consult on such measures as may best protect the rights, supply the wants and promote the prosperity of our constituents; and in meeting you, for the first time, to discharge duties imposed by my official situation, I shall

endeavor to present a concise and faithful outline, of the affairs of the state, adding such suggestions as, I trust, will be deemed worthy your consideration.

Since the close of the last session, the returning seasons have not been so propitious as to crown the pursuits of agriculture with the usual rewards, consequently every other branch of industry must feel a proportionate diminution. This mild rebuke is not the only affliction with which we have been visited. It has pleased the Almighty to direct to our country and to the borders of our own state, the terrific cholera, which for years, has been traversing other quarters of the globe, and marking its path with suffering and with death. As yet, however, the devastations of the destroyer, have been principally confined to a few villages and towns along the Ohio. But the influence of the seasons, in diminishing the amount of our exports, has not materially lessened our comforts, the supplies being sufficient for the consumption of the country, including any accession our population may receive by emigration, and but for the visit of the epidemic, our country can boast of a greater degree of health, than during any previous year. In these blessings, we have abundant reason, for awarding a kind Providence, our most grateful acknowledgments.

During the last spring, the peace of the frontier inhabitants of this state and Illinois, was disturbed by the movements of the hostile Indians, of the north west. The measures necessary for defence were adopted, by the Chief of the War Department, but before they could be carried into effect, marauding parties were sent out from the main body of the enemies forces, and in their descent upon the exposed inhabitants, several families and individuals, near the line of the state, and near the outskirts of our settlements, became the victims of their cruelty. These events, with the exaggerated rumors of carnage and bloodshed, and the flight of some of the citizens of Illinois, spread great alarm along the whole line of our frontier, from the Wabash to the Lake, so much so, that several settlements gave way. In this state of apprehension and continued excitement, the inhabitants of several districts dispatched expresses, representing their situation, and soliciting the presence of such a force, as would quiet the alarm and prevent the settlements from breaking up. The planting season being far advanced, and the growing of a crop essential to the support of that part of the country, your Executive did not institute an inquiry into the cause of alarm, whether real or imaginary, but determined to sustain the settlements by affording such relief as would restore confidence and repose. For that purpose, orders, with discretionary powers, were given to the Commanding Generals along the Wabash, and volunteer detachments were sent out, for short periods, under the command of Colonels Jenners and Russell. To prevent a recurrence of the evils of alarm, upon the return of those detachments, a company of mounted riflemen, under

the command of Gen. Orr, was stationed at intermediate points, from the skirts of the settlements beyond the Wabash to the Lake. These proceedings, the necessary returns, with an account of the expenses of the service, have been reported to the authorities of the General Government, and by them have been approved, giving an assurance that payment will shortly be made.

The Agents of the State, entrusted with the administration of the affairs of the Canal, have, it is believed, faithfully discharged every duty enjoined by law. The Fund Commissioners during the past summer made a sale of Canal Stock in the City of New York, to the amount of one hundred thousand dollars, at a premium of thirteen and a quarter per cent., terms honorable to the character of the state and advantageous to the work. Having embarked in the undertaking, it is our imperious duty to maintain our credit, by the adoption of certain and efficient measures, promptly to meet all our engagements. Including the St. Josephs feeder, nineteen miles of the middle section, that portion of the work authorized to be placed under contract, have been taken at about one hundred and seventeen thousand dollars, five thousand less than the Engineers estimates, and it is believed the high standing of the contractors is a sufficient guarantee for a faithful completion of the work.

Whether the interests and progress of the work will require additional legislation, the present session, will be your province to inquire. I will not withhold the opinion, that among the various topics deserving your attention, there are none fraught with more important consequences to the future prosperity of the state, or have a stronger claim to your deliberations than the enterprise in which we are now embarked. It is one approved by the people of the state, if the decisive majorities by which the several enactments of successive Legislatures, have passed in its favor, afford any evidence of public opinion. The question of expediency is no longer open for discussion, it has been settled and cannot now be reversed. The state has taken her stand and cannot recede without a sacrifice of her interest or honor, which should admonish us of the necessity of harmony in our councils, that we may not sport with either, but persevere, looking to the completion of the work for the promised benefits. Before I leave this subject, allow me, gentlemen, to press upon your notice the necessity of an immediate adjustment with Ohio, of the terms on which the Canal is to be extended to the Lake, through her territory. Her course will no doubt be liberal and worthy of her rank among the members of the confederacy, but if, through any motive, she should throw obstacles in our way, by refusing either to continue the work or permit us to do it, that determination should be known, that we may adopt some other route. No delay should be permitted to take place, as it is evident, upon a moments reflection,

that the northern termination of the Canal must be at the Lake, or the object of the undertaking will not be attained.

The sales of the Canal lands, at public outcry, in October, and by entry since, have averaged something more than three dollars per acre, amounting in all to about forty eight thousand dollars, of which, with other details of the several boards, seasonable reports will be made to the Legislature.

The Commissioner on the Michigan Road, by economy and good management of the fund, placed at his disposal, has added all the improvements to that thoroughfare, which were contemplated, at an expense of about fifty-four thousand dollars. The sales of the road lands have amounted to about fifty-two thousand dollars. A detailed report from that officer will be laid before you.

The annual report of the Agent of the three per cent. fund, will exhibit the sum disbursed the present year. The dividend due the state for the last half of the year 1831, was not received until October last, the delay of which, has prevented improvements that might have been made the last spring and summer.

The visitor to the State Prison, in the examination required by law, has not discovered any delinquencies or abuse of power on the part of the Superintendent. The police of the Prison is believed to be salutary, and well comports with the spirit of our laws, placing the convicts under such restraints as are sanctioned by the dictates of humanity.

In May, the remainder of the Indianapolis donation, belonging to the state, was valued by the commissioners, selected for the purpose, and in compliance with the directions of the Legislature, it was offered at public sale, by the Agent of the state. The sales amounted to upwards of thirteen thousand dollars, leaving unsold lots, at valuation, to the amount of three thousand six hundred and fifty dollars. At the suggestion of the architect who is to build the State House, with the concurrence of the Commissioners, the block north of the State House square, was reserved from sale, to await the determination of the Legislature, as to the propriety of adding it to the public ground, making an oblong square, corresponding with the form of the edifice to be erected. The commissioners appointed to contract for the building of the State House and superintend its erection, have made an agreement with Mr. Town, the artist, whose plan was adopted by the Legislature, by which he is to complete the building for fifty eight thousand dollars. The work, in all its parts, is to be strictly conformable to the plan and specification presented to the Legislature, and in its construction, as regards ornament, neatness, strength and durability, nothing is to be omitted. The whole is to be completed by November, 1837. At the time the Commissioners entered into the agreement, they had not sufficient data to estimate the probable avails of the donation lands, and they introduced a clause in the agreement, reserving the right to change the style of

the finish or the form of the building, by dispensing with the dome, the cupola, upper part of the rotunda, zinc for the roof and cornice, and the stucco work; and furring necessary for the colonades and ornamental plaistering of the halls. It is now ascertained that the fund will be nearly if not quite equal to every expense, and as the building, according to its original plan, will be elegant in its appearance, with an exterior almost fire proof, I respectfully advise that the Commissioners may be directed to proceed with it according to the original design.

The Auditor of State, in compliance with the instructions of the Legislature, has obtained an account of the relinquished lands within this state, from the Land Offices, and the additional tract books are in a course of preparation. This will contribute much to the improvement of our system of revenue, so far as it is derived from lands, but before it will attain that perfection of which it is susceptible, further legislation will be required. With a view to its further improvement, it should be the duty of the Auditor to take from the general tract books, the number of acres of taxable lands in the several counties, and open an account with each, adding yearly, the lands that may become subject to taxation, a transcript from which account should be annually transmitted to the boards doing county business, that they may detect imperfections in the listers returns, and send them back for correction. The Auditor should also be required to supply those counties that may be without tract books, or which have been furnished with imperfect ones. With these preparatory steps, the ensuing year, at the next session, the Legislature will perceive the necessity of dispensing with the services of the listers, as regards lands, oftener than once in five years, and then only for the purpose of giving it the rates known to the law, by which the confusion now complained of, can be remedied, and from three to five thousand dollars of expense annually saved to the counties.

The Joint Resolution of the last General Assembly requesting an appropriation by Congress for the extinguishment of the Indian title to lands within this state, was forwarded to our delegation, and in compliance with the request the necessary provision was made. Three citizens were designated by the Secretary of War, to constitute a commission to carry into effect the object of the appropriation. It was considered an object of paramount importance to extinguish the title of the Miamies to their lands already surrounded by our population, situated almost in the heart of the state, and immediately on the line of the canal, interfering very much with the civil organization of our territory. The prompt and cheerful manner in which the principal and subaltern Chiefs of the tribe obeyed the summons to the treaty, induced the belief that the negotiation would prove successful, but in their response to the propositions of the com-

missioners, they positively refused to go westward, or sell the remains of their lands.

It is with no little pleasure that I announce to you that the negotiation with the Potawatamies has been more successful, and that they have sold about six millions of acres in Indiana, Illinois, and Michigan, including their entire claim in this state, with the exception of some reserves. The terms of the treaty have not been given to the public, but it is understood they are such as the Senate of the United States will not hesitate to ratify.

It has been anticipated that the position of the remnant of the Miami tribe of Indians in this state, would be productive of difficulties, as our population in its advance, should come in contact with, and surround them. The relations between savages and civilized communities when they necessarily come in contact, always present questions of extreme difficulty as well as delicacy. It is universally admitted that the earth was designed for improvement and tillage, and the right of civilized communities to enter upon and appropriate to such purposes, any lands that may be occasionally occupied or claimed as hunting grounds, by uncultivated savages, is sanctioned by the laws of nature and of nations. But humanity and justice require, that in appropriating the lands of the savage to the purposes of civilized society, the use of forcible, or violent means should be adopted only in cases of evident necessity, and that ample compensation should be made to those who are divested of the territory on which they were accustomed to pursue game for their support. Accordingly it has been the settled policy of the general government to resort to negotiation instead of conquest, and from time to time, as the progress of our population required, to purchase of the various Indian nations or tribes who were in possession of extensive districts of territory, such tracts of land as they were willing to relinquish; still allowing them, so long as their situation, number, and circumstances would permit, an exemption from the operation of our laws, and permitting them to exercise some of the attributes of sovereignty, by retaining and enforcing their own peculiar laws and customs. Under this practice of our government the once numerous tribe of Miamies gradually disposed of their extensive domains, until their possessions are reduced to a few sections in addition to the reserve they occupy. Their diminished numbers, their present condition, circumstances and habits, forbid the idea that they are capable of exercising any attribute of sovereignty, or of maintaining any municipal regulations among themselves. Situated as we are, with this tribe in the midst of our population, permitting the commission of the highest crimes without the shadow of civil authority to repress them, it will be for the Legislature to determine whether the existing state of things, sound policy, our duty towards them and the peace and safety of the surrounding population, do not

alike require an extension of a portion of our laws over them, and if, from your views, you think it advisable to exercise jurisdiction over this people, the duty of providing for the preservation of the public peace and public morals, the prevention and punishment of crime, and the protection of the property of our citizens from further trespass, will be yours. In the performance of that duty, it should be remembered, that this race have strong claims on our sympathies and justice, and in the regulation of their conduct, a prospective operation should be given our laws, the initiatory measures comports with their present condition, and progressing with their advances in civilization.

You will no doubt perceive the necessity of pointing out some more efficient means of preventing the sale or delivery of spiritous liquors to this people, which is the parent of their crimes and misfortunes, and by which individuals are enabled to strip and keep them destitute of even the necessaries of a savage life.

I have already alluded to the strong claims which the Canal has upon our exertions; one great facility to its economical and speedy completion, would be the immediate settlement of the country lately obtained of the Indians. Will it not be well to express to Congress, through our delegation, our earnest desire that these lands may be surveyed and put into market, with the least possible delay?

The memorial of the last Legislature, recommending a more perfect organization of the National Militia, to the consideration of Congress, was forwarded to the Indiana delegation, without having elicited the attention of that body. The burthens of the system and the discordant plans of the several states, call loudly for the interposition of the National Legislature. Supposing the files of the office of Secretary of State would furnish information sufficient to enable me to present a satisfactory view of the subject, it was my intention to invite your special notice of them, but being disappointed in this, the purpose is necessarily postponed that it may be sought elsewhere.

I regret that I am under the necessity of saying that the failures of the militia officers to report the strength of their respective commands are increasing. For the present year, not more than three eighths of our actual strength is reported to the Adjutant General. As our dividend of the 200,000 dollars, yearly appropriated under the act of Congress, of April, 1808, is based on the strength of our militia returns, these delinquencies are extremely detrimental to our interests. A majority of the commanders of brigades, have neglected to comply with the law, requiring a report of the number and description of arms, heretofore distributed in their several commands, although their attention was specially called to the duty by the Quarter Master General.

There being a scarcity of arms, during the late Indian alarm, a requisition was made on the ordnance department of the United

States, for a thousand stand, which were supplied, and have been assigned to such portion of the militia, as had not shared in former distributions.

To the State Library, the additions specially authorized by law, have been made, and the annual appropriation for its increase, has been expended under the direction of its officers.

Among the numerous subjects that naturally force themselves upon the attention of those vested with the responsible trust of legislating for a new and growing community, there is none of paramount importance to that of providing for the education of the great mass of the rising generation, by a system of common schools, adapted to the situation and circumstances of the people. It too often happens that communities and those that occupy responsible situations in the administration of public affairs, while in pursuit of present good, seem insensible of the relation in which they stand to posterity. They too often forget that their acts are to give complexion to the character of succeeding generations, and perhaps fix their political destiny, and this is because the consequences of a neglect of duty, in this particular, are not present and obvious, but develop themselves in time to come.

In Indiana there are not less than one hundred thousand children, of suitable age, dependant upon our efforts for preparation for future usefulness. If they receive it, they can succeed us in the professions, arts, sciences, commerce and agriculture, and safely take upon themselves the charge of self government, continuing our institutions, with such improvements as the lights of experience may point out. Without this outfit at our hands, it will be their fate to see others, whose ancestors were more faithful, reap the rewards of enterprize and enjoy the honors and emoluments of office; or what would be still more humiliating and reproachful to us, they may, for the want of a knowledge of the principles of our government, not fully appreciating its blessings, become instruments in the hands of demagogues and tyrants, to dishonor its character or change its form.

It is admitted that at present the state is without tangible resources for the accomplishment of so much; and it may be asked how are we to minister to the wants of so many? Because we cannot accomplish the whole we should not despair and make no struggle. If we cannot go to the full extent of our wishes, let us go as far as the means and resources within our reach will enable us, and we shall have discharged our duty. Let us acknowledge the whole debt and discharge it in part. But are there no elements from which, if properly combined, resources may be drawn for the accomplishment of much? Coming directly from among the people, you can best answer the question. I will nevertheless offer a remark or two. Amend the law providing for schools in the congressional townships so as to permit the minority to avail themselves of the corporate power, in ~~all~~

cases when the majority refuses to levy a tax for school purposes. This can be done by registering their names with the trustees and confining the operations of the law, to those only who approve its provisions and unite for the support of schools. Make it the duty of the trustees annually, to return to the Clerk of the county, the number of schools, number of scholars, the time kept up, with the price of tuition, to be transmitted by the Clerk to one of the state officers, by him to be laid before the legislature in tabular form. Appropriate from the state treasury the annual surplus money, to be apportioned among the schools that may be supported by tax or contribution, six months in the year, leaving it with each legislature to name the sum that shall be divided, after paying all other demands on the treasury. In the spring of each year, make it the duty of the trustees to present each citizen of the township with a subscription paper for the benefit of schools. In the month of October, of each year, require them to make report to the colonel of the regiment, of every individual who may have contributed in money or labor, one dollar and upwards, and excuse all who may have contributed that sum, from liability on account of his delinquencies in mustering that year. The latter proposition received favor with the Senate last session. I beg leave, most earnestly, to recommend its adoption.

For many years the public lands have been a fruitful theme for declamation as well as of protracted and confused legislation, and the discordant views of the new states have tended much to embarrass an adjustment of the question. The subject has now resolved itself into three distinct propositions. The first proposes gradually to reduce the price of public lands in proportion to the length of time they have been offered for sale. The second proposes to transfer them to the states wherein they are situated for a mere nominal consideration, and the third proposes to divide the money arising from the sales among the several states, to be applied to the purposes of education, internal improvements, &c. The first proposition has often been before Congress, and that body has positively refused to assent to the measure. The second has not received the action of Congress, but as a large majority of the states has no new lands, we can hardly promise ourselves that it would receive a more favorable consideration than the first. The third proposition was for the first time brought before Congress at the last session, and passed the Senate by an unusual majority. Gov. Hendricks and Gen. Tipton giving it their support, but in the lower House, the bill met with opposition, and on a motion to postpone, it was lost, our members voting with its enemies, when their support would have saved the bill.

The proceedings of Congress in this and all other cases, are made public, and although the votes of members, with all other public acts, are legitimate subjects for examination, yet it is ad-

mitted that there are but few instances in which an Executive of a state will stand justified, in bringing before the public, the opposing votes of the members of each branch, and in no instance should it be, to cast censure on the members; nor is that the object now, in pointing out the disagreement of our Senators and members of the House. Their opposing attitude, on a question of deep interest to the state, is doubtless the result of an honest difference in opinion, and it is that you may advise an united effort, that I have permitted myself to name it.

The object of the bill, as it passed the Senate, was to dispose of the monies arising from the sales of the lands for five years, by giving to the new states in which the lands are sold *fifteen per cent.* of the proceeds, including the per cent. they now receive, and dividing the balance among all the states, in proportion to the number of inhabitants or number of members to Congress from each. Our part of the whole sales in the United States, would, for this year, have amounted to near two hundred thousand dollars, had the bill passed the lower House. With the new lands coming into market, our dividend would soon have exceeded that sum for each year, and at the end of the five years, they would amount to ten or eleven hundred thousand dollars, a sum that would school fifty thousand children six months in each year of the time, leaving a large balance to be applied to our rivers, roads, or the canal, as the Legislature might think best. It should not be forgotten that the sales of the lands are continually progressing, by which means from seven to eight hundred thousand dollars will be annually withdrawn from the state, never to return; that while this draining process is going on, the choice and most valuable lands will be sold, and for each year spent in vain efforts, to induce Congress to do that which they have repeatedly refused to do, reduce the price, we will loose more than that sum.

It is worthy of remark also, that in our acceptance of the offer made by the bill, the door is not closed against a reduction in the price or to a transfer to the new states. Congress can either graduate and reduce the price, or cede to the states, as may hereafter be thought advisable.

From these remarks, you may perceive, that my opinions, harmonize with the views of the Senators, and if you think with me, that it is best to take the money offered, I would advise you to request our Representatives to unite with our Senators, and I am satisfied they will yield a compliance with your wishes. That it may be well understood, I repeat that no censure is due our Representatives, nor are they the less worthy of your confidence, because of their differing in opinion with our Senators. The object is to reconcile that difference, and prevent the defeat, at this session, of a measure by which we could avail ourselves of the means for accomplishing much for the benefit of our constituents.

With my impressions as to the imperfections of our Probate system, and my belief of the practicability of substituting a better, I am induced to solicit a share of your attention to that subject. It is not from a knowledge or suspicion of impropriety on the part of any who fill the situation of Probate Judge. The principal objections are to be found in the great number of Judges. In consequence of their numbers, the emoluments are necessarily so small as not to invite to their acceptance, the requisite business character and legal attainments, essential to a prompt and correct discharge of the duties of the office, nor will they compensate the individual for the time he would consume in vacation, if he should attempt the acquisition of any qualifications, in addition to those carried with him to the place. This objection is verified by the fact, that in some counties, it is with difficulty that any one will consent to serve; in others, no poll for the election of Probate Judge, has been opened since the office was created, and resignations are continued and frequent.

In the organization of judicial tribunals, much relating to the rules of practice or modes of proceeding, is necessarily left to the discretion of the courts; and these rules of practice, when once established, constitute a part of the law.

It is almost as important and desirable that a general uniformity should exist, as to these practical rules or modes of proceeding, as that the general principles of law and stationary regulations should be uniform throughout the same community.

But with a separate and distinct tribunal in each county in the state, without the least intercourse or connection with each other, and without a knowledge of these general principles and maxims by which courts are governed, in the exercise of legal discretion, it is impossible for any thing like uniformity of proceeding to exist; or that a regular system of prompt and strict accountability should be introduced, which is so necessary to protect the rights of widows and orphans, who are seldom present, looking after their own interest. That the plan is not a good one, two facts are sufficient to demonstrate. A considerable portion of the cases on the Probate dockets, remain unsettled for from five to fifteen years, and a great number of estates, contrary to all expectation, are reported as insolvent, resulting no doubt from a disposition to hold on to the money and hunt up offsets, when settlements are demanded.

There are two modes by which, as is believed, the system can be materially improved, and with a saving of expense. Divide the state into four Probate circuits, give each county two terms in the year, and elect by joint ballot of the Legislature, four Judges, with salaries of six hundred dollars per year. It is thought that will be a less sum than will be paid to the present Probate Judges after the ensuing year. Another plan is, to transfer the business to the circuit courts and give an additional term in the

year. Let one of the terms be exclusively appropriated to chancery and Probate causes; the other two terms to be appropriated to common law causes. If the courts, at the common law terms should be authorized to make interlocutory orders in Probate and chancery causes, it is believed that one term in each year will be fully sufficient for their final hearing and settlement.

Upon this plan, one other object can be easily attained; if any person should be imprisoned at the time of the chancery term, upon a criminal charge, and unable to give bail, the county authorities could be authorized to summon juries at that term for his trial, in the same manner as heretofore directed, in cases of special sessions of the circuit courts. It is believed that two hundred dollars each, will be a sufficient compensation to the circuit Judges, for this additional labor, the aggregate of which will fall far short of the amount that will be paid the Probate Judges for the services of the past year.

Ever since the commencement of our state government, frequent applications have been made for the interposition of the power of the Governor to remit fines and forfeitures and grant reprieves and pardons. Encouraged with success, petitions have multiplied, and during the last year of the time of my predecessor, fines and forfeitures were remitted to a large amount, and pardons were granted to fourteen convicts. Numerous applications of the kind have been made the past year, and the force of precedent has compelled a compliance with similar requests for the remission of nearly an equal sum and the pardon of five or six convicts. Without abusing the grant of power and rendering the laws inoperative, it is believed its exercise cannot be so frequent; and having come to the resolution not to disturb the acts of the other departments of government, except in extraordinary cases, I deem it my duty to advise a review of the penal sanctions of our criminal code, that you may apply the corrective should you find the penalties unreasonable or cruel.

You are no doubt aware of the severe pecuniary embarrassments, under which, almost every class of our citizens are labouring; and of the complaints of distress heard in many parts of the state; and it is presumed you are apprised of the fact, that among the remedies spoken of, to prevent the further aggravation of the evils of a decreasing circulation, to mitigate the existing distress, the establishment of a State Bank and branches seems to be concentrating the largest share of public attention. The proposed plan is, so far as understood, that the state shall take one half of the stock, say eight hundred thousand dollars, and individuals the other; that the state shall procure her half of the capital by a loan for thirty years, at five per cent. interest, and when redeemed by the accruing bank dividends, the money borrowed to be exclusively appropriated to the benefit of schools. In other states such institutions have been successful and beneficial, but it will be

your place to determine as to the practicability and policy of the measure, taking into consideration the situation and circumstances of the country, when it is matured and brought before you.— In testing its propriety, two enquiries are essentially important. Would the introduction and creation of active capital, at this time, be of service to the people? And can we command the talent and integrity necessary to the successful management of such an institution? If these enquiries are satisfactorily answered, it will be your duty so to guard the necessary grants of corporate powers, as will secure the public against their abuse, and preserve unimpaired the credit and integrity of the state.

The official exposition of the Treasurer of State will be laid before you, giving such a view of our financial concerns as will satisfy you that our revenues are equal to every demand upon the treasury.

In providing for the necessities and promoting the prospects of a rapidly increasing population, we have already an ample field for the exercise of talent, crowded with suitable objects of our care. The recent acquisition of territory from the Indians, will extend the sphere of our jurisdiction and present us with new subjects of legislation. With this extended field before us, we have every motive to stimulate us to industry and perseverance in our efforts to augment our population and increase its comforts; to encourage individual enterprise and industry; to add facilities to intercommunication, invite the introduction of capital, and develop and improve the resources of the state.

The guardianship of the public weal has been committed to your zeal, fidelity and wisdom, and in your supervision, if my humble stock of experience will contribute any thing to the benefit of the object of your charge. or tend to the advancement of our rank with the sister states, you may command an earnest co-operation.

And the Senate returned to their chamber.

On motion of Mr. Pennington,

Resolved, That one thousand copies of the Governor's communication to both Houses of the General Assembly, be printed for the use of the Senate.

On motion of Mr. Frisbie,

The Senate adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, DECEMBER 5th, 1832.

The Senate assembled.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate that they have adopted the following resolution:

Resolved, That this House will proceed, on Thursday next, (to-morrow,) at 10 o'clock, A. M. to the election of Prosecuting Attornies and Secretary of State, and that the Senate be informed thereof, and that seats will be prepared for them on the right of the Speaker's chair.

Mr. Steele has been appointed teller on the part of the House.

On motion of Mr. Robb,

The said message was laid on the table.

Mr. Pennington presented the petition of George Moser, a citizen of Harrison county, praying an allowance for sundry wolves scalps, taken by the petitioner.

Which was read and referred to the committee on Claims.

Mr. Logan presented the petition of Jacob Bixler and others of Washington county, praying a change in the law regulating the interest of money, and fixing a limitation on the rate of interest allowed.

Which was read, and

On motion of Mr. Logan, referred to a select committee.

Ordered, That Messrs. Logan, Pennington and Robb, be that committee.

Mr. Whitcomb presented the petition of George W. Dewees, of Vigo county, praying the passage of a law authorizing a change of venue for the trial of a certain cause named in said petition.

Which was read, and

On motion of Mr. Whitcomb, referred to the committee on the Judiciary.

On motion of Mr. Lemon,

The Senate adjourned until 2 o'clock, P. M.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Logan, Messrs. Whitcomb, Lemon and Feeny were added to the select committee, on the petition of Jacob Bixler and others, citizens of Washington county.

On motion of Mr. Graham, the resolution introduced by him on yesterday, relative to compelling township trustees to take an oath of office, was taken from the table and adopted.

Mr. M'Carty submitted for adoption, the following resolution, viz:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt, so far as females are concerned, for all sums under ten dollars, and that said committee report by bill or otherwise.

Mr. Ewing moved to amend said resolution, by striking therefrom the following words, 'for all sums under ten dollars.'

Which amendment was concurred in, and the resolution thus amended was adopted.

Mr. Frisbie presented for consideration, the following resolution, viz:

Resolved, That the Sergeant at Arms contract with the Editors of the Journal and Democrat, to furnish each member of the Senate with three copies of each of their papers as often as they are published during the present session of the General Assembly.

Mr. Hillis moved to lay said resolution on the table,

And on this question, the ayes and naes being demanded,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Ewing, Hendricks, Herod, Hillis, Hoover, Logan—9.

And those who voted in the negative, are

Messrs. Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Jessup, Lemon, Leviston, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—20.

So said resolution was not laid on the table.

Mr. Ewing moved to amend said resolution, by annexing to the same, the following:

And the members so furnished with newspapers, shall be held responsible at the Treasury, for the sum so expended, and the same shall be deducted from the wages of each.

And on the question, shall such amendment be adopted?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Ewing Feeny, Hendricks and Hoover—6.

And those who voted in the negative, are

Messrs. Chambers, Clark, Dumont, Farrington, Fletcher, Frisbie, Graham, Hanna, Herod, Hillis, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—23.

So said amendment did not prevail.

Mr. Whitcomb moved to amend said resolution by annexing to said resolution, the following, 'for public distribution.'

Which amendment was adopted,

And on the question, shall the resolution as amended, be adopted?

Those who voted in the affirmative, are

Messrs. Dumont, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Herod, Hillis, Jessup, Lemon, Leviston, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—21.

Those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Hendricks, Hoover and Logan—8.

So said resolution was adopted.

On motion of Mr. Chambers, the following resolution was adopted:

Resolved, That the committee on Canals and Internal Improvements be instructed to report a memorial to the Congress of the United States, praying for an ample appropriation to improve the main Western mail route leading from Louisville via New Albany, Paoli, Mount Pleasant, Washington and Vincennes, through Illinois to St. Louis.

Which was read and adopted.

Mr. Whitcomb submitted for adoption, the following resolution, viz:

Resolved, That the printer for the Senate be required to print copies of the Journal of the Senate, during the present session of the General Assembly.

Mr. Whitcomb moved to fill the blank in said resolution with 800.

Mr. Frisbie moved to fill the same with 500.

The motion of Mr. Whitcomb prevailed, and the said blank was filled with 800, and thus amended, the resolution was adopted.

The President laid before the Senate, the following communication, from the Secretary of State:

SECRETARY'S OFFICE,
DECEMBER 5th, 1832. }

THE HON. DAVID WALLACE,
President of the Senate:

Sir: I have the honor to transmit herewith, to the Senate, my annual report of contracts, made on behalf of the state, and also my report as state librarian.

Very respectfully,
JAMES MORRISON.

SECRETARY'S OFFICE,
DECEMBER 4th, 1832. }

The Secretary of State, in obedience to the requisitions of the "Act to provide for the distribution of the laws and journals and for other purposes," approved February 10th, 1831, respectfully reports to the General Assembly, that contracts have been made for the public printing, with the following individuals, for one year, ensuing the 27th day of August last, viz:

With Douglass & Maguire, for the laws, &c. of the present session, bills of the House of Representatives and blanks for the public offices.

With Alexander F. Morrison for the journals, bills and orders of the Senate, and

With Nathaniel Bolton for the journals and all orders of the House of Representatives except bills.

The prices are as follows, viz:

Composition, for 1000 m's plain, at	40 cents.
" " Rule and figure,	80
Press work, medium, per token of 10½ qrs.	40
" royal " "	45
Blanks, per ream,	\$10 00

The laws and journals to be ready for delivery within 25 days after the rising of the General Assembly, and the bills and orders to be done with all possible despatch.

A contract was made with John W. Redding, for furnishing 150 cords of wood, of suitable size and length for the chimneys in the Court House, at 73½ cents per cord, one half to be delivered by the first of November last, the other by the first of the present month.

Samuel J. Patterson was the contractor to distribute the laws and journals of the last session of the General Assembly, in the 1st Judicial Circuit, at the sum of

David Buchanan in the 2d at	\$59 00
Solomon Wells, 3d	39 00
E. M. Patterson, 4th	14 00

R. Patterson,	5th	34 00
Isaac Fisher,	6th	73 00
George W. Moore,	7th	37 50

A contract has been made with J. & P. Landis for the necessary stationary, for the use of both Houses of the General Assembly, at the following prices, viz:

Hot pressed post paper,		\$5 50 per ream.
Cap paper,		2 75
Cold pressed, No. 1,		4 00
do. 2,		3 62½
Fine quills, best quality,		3 00 per hun.
" 2d. " No. 4,		2 00
" 3d. " " 7,		1 00
" Last quality,		37½
Mantau ribbon,		15 per piece.
Tapes, per dozen,		34
Cork ink stands,		1 11 per doz.
Sand,		11 per lb.
Ink powder,		1 15 per doz.
bottles,		2 50 "
Crayon pencils,		37½ "
Wafers,		75 per lb.
Sand boxes,		1 25 per doz.

All other stationary not mentioned, at cost and carriage.

The above propositions were accepted with a modification as to price and quality of wafers and quills, made by the Treasurer, with J. & P. Landis.

A contract was made with John Cain, to half bind 2500 copies of the laws of last session, at 12½ cents per copy, for which he was paid the sum of \$300.

Respectfully submitted,

JAMES MORRISON.

The Secretary of State, discharging the duties of Librarian, respectfully reports to the General Assembly, the following expenditures for books, since his last report, viz:

Paid Robert Goudy a ballance of		\$17 50
For 14 volumes of Family Library		9 75
N. McCarty, for Robertson's work,		7 50
Josiah Drake, for 7 volumes Burk's works,		8 00
6 " Johnson's work,		9 00
1 " Recardo's Political Economy,		1 50
19 " Family Library,		11 02
1 " Kame's Elements,		1 50
1 " Malte Brun, (5th vol.)		2 50
3 " Robert of Paris,		1 37½
10 " Cabinet Cyclopaedia,		6 80

3 volumes	Marshal's Washington,	\$6 78
5	" Cabinet Library,	2 81
1	" Sallust,	56
3	" Family Library,	1 74
11	" " "	6 16
2	" Westward Ho!!	1 75
2	" Heidenman,	1 75

Paid Walter Lowrie, by the Hon. W. Hendricks, as follows, viz:

For 1 copy Gales & Seaton's Debates, 1 vol. 1st part,	\$5 00
2 2d.	9 75
3 1st.	6 00
4 2d.	10 00
Elliott's Debates, 4 vols.	12 50

43 25

There have been received by other states, the following, viz:

Laws of New York, 1832,	3 copies.
" New Jersey, "	2 "
" N. Hampshire, "	1 "
" Ohio, "	1 "
" Kentucky, "	2 "
" Alabama, "	2 "
" Massachusetts, "	2 "
" Louisiana, "	1 "
" Virginia, "	1 "

There has been paid to John Cain, for binding laws of other states and other books of the Library, since last report, the sum of \$53 50.

Respectfully,

JAMES MORRISON.

N. B. Two copies of Gales and Seaton's Debates and two copies of Debates on the adoption of the Federal Constitution, were sent for, agreeably to the Joint resolution of the 26th January last, and fifty dollars forwarded to the Hon. Wm. Hendricks. This sum was supposed to be adequate, but as appears by the above bill, was little more than sufficient to purchase one copy of each.

On motion of Mr. Pennington, so much of said communication as relates to the State Library, was referred to the committee on the State Library.

On motion of the same gentleman, so much of said communication as relates to contracts for stationary, fuel, &c. referred to the committee on Ways and Means.

And on motion,

The Senate adjourned.

THURSDAY, DECEMBER 6th, 1832.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

Mr. PRESIDENT:

The House of Representatives have appointed Messrs. Parker and Bryant, a committee on Enrolled Bills, on the part of the House.

Messrs. Dunn, Bonner, Wilson, M'Junkin, Moore, Bryant and Lewis, have been appointed a committee on Public Buildings on the part of the House.

The President laid before the Senate, the following communication from the Agent of the three per cent fund:

AGENT'S OFFICE, }
Indianapolis, December 6th, 1832. }

HON. PRESIDENT OF THE SENATE:

SIR:—Please lay the enclosed report before the Senate.

Respectfully,

Your ob't serv't,

B. I. BLYTHE Ag't 3 per ct. fund.

A statement of the situation of the 3 per cent. fund, made in conformity with a Resolution of the House of Representatives, adopted, January 16th, 1832.

No. of Road.	ROAD COMMISSIONERS, RIVERS & COUNTIES.	Appropriations to each road, &c.	Drafts paid.	Balances due.
6	William M'Cormick -	4,928.93½	4,828.63	100.30½
8	Ezekiel Blackwell -	7,563.69	7,459.04	104.65
10	William Richards - -	2,674.00½	2,199.76½	474.24
12	George White - -	2,712.23	2,701.19	11.04
14	Gara Davis - -	3,033.80	3,015.02	18.78
20	John C. Kibby - -	4,192.75	3,932.14	260.62
26	Robert M'Intire -	441.32½	211.08½	230.24
32	Reuben Bates & Alanson Warner - -	1,090.00	569.73	430.27
55	Mount Vernon to Collins			

No. of Road.	ROAD COMMISSIONERS, RIVERS & COUNTIES.	Appropriations to each road, &c.	Drafts paid.	Balances due.
	Ferry - - -	125		125
56	Bridge over Fall Creek	300	275	25
	Appropriations to 45 roads paid off - - -	90,514.34½	90,514.34½	
5	Jacob Goodlander (river)	225	112	113
7	James Duckworth do.	100		100
	Appropriation to 8 rivers paid off - - -	1,725	1,725	
	Carroll County	400	200	200
	Clark do.	400		400
	Franklin do.	400	150	250
	Huntington do.	400		400
	Jackson do.	400	65	335
	Johnson do.	400	350	50
	Knox do.	400		400
	Lagrange do.	400		400
	Miami do.	400		400
	Marion do.	400	340	60
	Orange do.	400		400
	Posey do.	400		400
	Perry do.	400		400
	Ripley do.	400	375	25
	Spencer do.	400		400
	Shelby do.	400	350	50
	Vermillion do.	400	150	250
	Wabash do.	400		400
	Washington do.	400		400
	Vanderburgh do.	400		400
	Warrick do.	400		400
	Appropriations to 48 Coun- ties paid off - -	19,200	19,200	
		147,136.08	138,722.94½	8,413.13

Received from the Treasury of the United States 157,509.70

“ “ State Treasury on account of

Canal Fund - - - - 2,550.00

160,059.70

Retained to meet Agents' Commission

3,821.68

156,238.02

Postage paid S. Henderson & J. Cann up to September, 1832		16.58
		<hr/> 156,221.44
Blank Book and Stationary, up to this date	32.50	
Desk and Case for Agents' Office	15.00	
51 days services in settling with Commissioners, see Acts 1829, page 101	102.00	149.50
		<hr/> 156,071.94
Unappropriated balance on hand		8,935.86
		<hr/>
Appropriation to different Roads, Rivers and Counties		147,136.86
Commissioners' drafts reported last year	111,022.69	
Drafts since paid and now reported	27,700.25½	138,722.94½
		<hr/>
Appropriated balance		8,413.13½
Unappropriated do.		8,935.86
		<hr/>
		17,348.99½

Respectfully submitted

B. I. BLYTHE, Ag't 3 per cent. fund.

December 1st, 1832.

Which was read, and

On motion of Mr. Orr, referred to the committee on roads.

Mr. Dumont submitted for consideration, the following resolution, viz:

Resolved, By the Senate, the House of Representatives concurring, that they will, on Saturday, the 8th of December, inst. at 10 o'clock, A. M. meet the House of Representatives in their hall, for the purpose of electing a United States Senator, Secretary of State and Prosecuting Attornies for those Judicial Circuits, in which the terms of Circuit Prosecutors will expire during the present session of the General Assembly.

Mr. Pennington moved to amend said resolution by striking out the words 'United States Senator,' from said resolution.

Which was accepted by Mr. Dumont.

Mr. Lemon moved to amend the said resolution, by striking out Saturday and inserting 'this day.'

Mr. Graham called for a division of the question.

On the question, will the Senate strike out Saturday?

It was carried in the affirmative.

Mr. Graham moved to insert to-morrow.

Which motion did not prevail.

And on the question, 'shall this day' be inserted.

The same was carried in the affirmative.

On motion, the words 10 o'clock, A. M. was stricken out and 2 o'clock, P. M. inserted, and thus amended, the resolution was adopted.

Ordered, That Mr. Feeny be appointed teller, and that the House of Representatives be informed of the adoption of this resolution.

Mr. Dumont moved the adoption of the following resolution:

Resolved, By the Senate, the House of Representatives concurring, that the Senate will, on Saturday the 8th of December, inst. at 10 o'clock, A. M. meet the House of Representatives, in the Representative hall, for the purpose of electing a United States Senator.

Which was read, and

On motion of Mr. Graham, laid on the table.

Mr. Blair submitted for consideration, the following resolution, viz:

Resolved, That a committee consisting of two Senators from each Judicial Circuit, be appointed for the purpose of dividing the State into seven Congressional districts.

Which was read and adopted.

The following message from the House of Representatives, was received, Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives reciprocate the resolution of the Senate, fixing upon this day for the election of a Secretary of State and Prosecuting Attornies, where vacancies have occurred.

Mr. Huntington has been appointed teller of those elections on the part of the House.

On motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

A message was received from the House of Representatives, by their Clerk, inviting the Senate to attend in the hall of the House for the purpose of electing the officers mentioned in the resolution of the Senate adopted on this morning.

Whereupon, the Senate repaired to the hall of the House and proceeded to ballot for a Secretary of State, to fill the vacancy which will be created by the expiration of the term of office

of James Morrison, and on counting the votes, it appeared that William Sheets received seventy-one votes, James Morrison twenty-nine votes, scattering five votes.

William Sheets having received a majority of all the votes given, was declared by the President duly elected Secretary of State to serve as such four years, from and after the fourteenth day of January, 1833.

The two Houses then proceeded to ballot for a Prosecuting Attorney for the 2d judicial circuit, to fill the vacancy to be created by the expiration of the term of service of John H. Thompson, Esq. and on counting the votes, it appeared that Isaac Howk had received sixty four votes, John H. Farnham, thirty-nine votes, scattering, two votes.

Isaac Howk having received a majority of all the votes given, was declared by the President, duly elected Prosecuting Attorney of the 2d judicial circuit, to serve as such two years from and after the 30th December, 1832.

The convention then proceeded to ballot for a Prosecuting Attorney for the 4th judicial circuit, to fill the vacancy to be created by the expiration of the term of service of Charles I. Battelle, Esq. and on counting the votes, it appeared that John Pitcher had received sixty-two votes, Ebenezer D. Edson twenty-three, Lyman Leslie eighteen, and two scattering.

John Pitcher having received a majority of all the votes given, was declared by the President duly elected Prosecuting Attorney of the 4th judicial circuit, to serve as such two years from the 30th December, 1832.

The business of the convention being completed, the Senate returned to their chamber and,

Adjourned till to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 7th, 1832.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives, on yesterday adopted the following resolution:

Resolved, That this House will proceed on to-morrow, at half past 2 o'clock, P. M. (the Senate concurring,) to the election of a United States Senator, to fill the vacancy to be occasioned by the expiration of the term of service of the Hon. John Tipton, that the Senate be informed thereof, and that seats will be provided for them on the right of the Speaker's chair.

Messrs. Hannegan and Bryant have been appointed tellers on the part of the House.

Mr. Hillis moved that the Senate reciprocate the message of the House of Representatives just communicated.

Mr. Pennington moved to lay the same on the table;

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Ewing, Farrington, Frisbie, Givens, Graham, Jessup, Lemon, Leviston, Logan, McCarty, Morgan, Pennington and Robb—17.

And those who voted in the negative, are

Messrs. Clark, Feeny, Fletcher, Hanna, Hendricks, Herod, Hillis, Hoover, Long, Orr, Pollock, Wallace and Whitcomb—12.

So said resolution was laid on the table.

The President announced the following gentlemen, as composing the committee on Congressional Districts, viz: Messrs. Blair, Beard, Givens, Frisbie, Ewing, Farrington, Pennington, Lemon, Hillis, Pollock, Hanna, Morgan, Fletcher and Jessup,

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Logan presented the petition of William Richards, with accompanying documents, praying a certain allowance as a Road Commissioner;

Which was read, and

On motion of the same gentleman,

The same was referred to the committee on roads.

Mr. Fletcher from the judiciary committee, made the following report, viz:

The committee on the judiciary, to which was referred a resolution of the Senate, directing an inquiry whether any amendments are necessary to the act entitled an act directing the mode of suing out and prosecuting writs of *habeus corpus*, approved January 12, 1828, have had the subject referred, under consideration and have directed a bill to be reported, which is herewith presented, entitled a bill to amend the act directing the mode of suing out and prosecuting writs of *habeas corpus*, approved January 12, 1828;

Which was read, and ordered to a second reading to-morrow.

On motion of Mr. Dumont, the resolution introduced by him on yesterday, respecting an election of a Senator of the United States on Saturday the 8th inst. was taken from the table and adopted.

Mr. Dumont was appointed teller of said election, on the part of the Senate.

Ordered, That the House of Representatives be informed of the adoption of the same.

On motion of Mr. Pennington, the message of the Governor was referred to a committee of the whole Senate and made the order of this day now.

The Senate according to order, went into committee of the whole, for the purpose of taking into consideration the message of the Governor, when, after some time occupied in the consideration of the same, the committee rose, reported progress and asked leave to sit again, which was granted,

And the Senate adjourned.

SATURDAY, DECEMBER 8th, 1832.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives, on yesterday adopted the following resolution:

Resolved, That this House reciprocate the resolution of the Senate, fixing on Saturday the 8th inst. at 10 o'clock, A. M. as the day to go into the election of a United States Senator, and that the Senate be informed thereof and that seats will be provided for them on the right of the Speaker's chair.

Mr. Bryant is appointed teller on the part of the House.

On motion of Mr. Ewing, the following resolution was adopted:

Resolved, That a select committee be appointed, with instructions to inquire into the expediency of providing by law, for effecting the laudable object, of a clause of our constitution in relation to Asylums, to accommodate all proper objects of charity throughout this state, with leave to report by bill or otherwise.

Ordered, That Messrs. Ewing, Chambers and Hoover, compose said committee.

Mr. Hanna offered for consideration, the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of forming one additional judicial circuit so as to include the counties of Laporte, St. Joseph, Elkhart, La Grange and such other counties as may be deemed most expedient, with leave to report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the standing committee on roads be instructed to inquire whether any and if any what further provisions are necessary for the indemnification of persons, through whose lands roads are located with leave to report by bill or otherwise.

On motion of Mr. Clark it was

Resolved, That the judiciary committee be instructed to inquire into the expediency of defining by law, the circumstances of guilt or participation which shall excuse individuals from testifying on indictment for gaming.

Mr. Feeny submitted for consideration the following resolution:

Resolved, That the committee on the judiciary inquire into the expediency of repealing the existing law in relation to prison bounds, and substituting in lieu thereof, the boundaries of the county in which debtors reside, with leave to report by bill or otherwise.

The Senate then proceeded to consider the orders of the day.

A bill to amend the act directing the mode of suing out and prosecuting writs of *habeas corpus*, was read the second time, and

On motion of Mr. Pennington, committed to the whole Senate and made the order of the day for Monday next.

Mr. White, Clerk of the House of Representatives, now communicated to the Senate, the adoption by the House of the following resolution:

Resolved, That the Senate be informed that this House is now ready to proceed to the election of a Senator of the United States,

that their presence is requested instanter, and that seats are provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the hall of the House of Representatives, and proceeded to ballot for the choice of a Senator of the United States, for the State of Indiana, to fill the vacancy which will be occasioned by the expiration of the term of service of John Tipton, and on counting the votes on the first balloting, they were as follows: for John Tipton 32 votes. Oliver H. Smith 21, Ratliff Boon 24, Jonathan M'Carty 13, Robert Hanna 1, James G. Read 1, J. Rariden 1, W. Wilson 1, I. Blackford 7, blank 4.

No person having a majority of all the votes, the President of the Senate directed a second balloting, and on counting the votes upon the second balloting, they were as follow: for John Tipton 35, O. H. Smith 25, R. Boon 21, J. M'Carty 10, I. Blackford 7, J. G. Read 4, T. Blake 1, R. Hanna 1, blank 1.

No person having a majority, a third balloting was ordered by the President, and upon counting the votes, John Tipton received 38, O. H. Smith 27, Ratliff Boon 21, J. M'Carty 7, I. Blackford 3, J. G. Read 5, R. Hanna 2, C. Dewey 1, blank 2.

No person having a majority, a fourth balloting was ordered, and on counting the votes it appeared that John Tipton received 39 votes, O. H. Smith 26, R. Boon 19, J. M'Carty 8, I. Blackford 2, J. G. Read, 5, Dewey 1, Blake 1, Carr 1, R. Hanna 1, blank 2.

No person having a majority, a fifth balloting was ordered, and upon counting the votes, the following was announced as the result: for John Tipton 42, O. H. Smith 28, R. Boon 13, J. M'Carty 8, I. Blackford 1, J. G. Read 10, R. Hanna 1, Carr 1, blank 1.

No person having a majority, a sixth balloting was ordered, and the following announced as the result: for John Tipton 44, O. H. Smith 32, R. Boon 8, J. M'Carty 6, J. G. Read 10, I. Blackford 2, R. Hanna 1, N. Noble 1, Carr 1.

No person having a majority, a seventh balloting was ordered and the following result obtained: for John Tipton 47 votes. O. H. Smith 32, R. Boon 5, J. G. Read 13, J. M'Carty 2, I. Blackford 2, Noble 3, blank 1.

The President now adjourned the convention until 2 o'clock this evening, and the Senate returned to their chamber,

And on motion,

Adjourned,

Two o'clock, P. M.

The Senate assembled.

Mr. Pennington, on leave being granted, submitted the following resolution:

Resolved, That the House of Representatives be informed that the Senate declines progressing in the election of a Senator to the Congress of the United States, this afternoon, and that the Senate will meet the House of Representatives on Monday next at 10 o'clock, A. M. in their hall, for the purpose of consummating said election.

The President now informed the Senate that the hour to which the convention had adjourned, had arrived, and that consequently the resolution of Mr. Pennington was out of order.

From this decision Mr. Ewing appealed,

And on the question, is the decision of the Chair correct?

The ayes and naes being demanded,

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Dumont, Feeny, Fletcher, Hendricks, Herod, Hillis, Hoover, Lemon, Leviston, Logan, Long, Orr, Pollock, Wallace and Whitcomb—17.

Those who voted in the negative, are

Messrs. Beard, Blair, Ewing, Farrington, Frisbie, Givens, Graham, Hanna, Jessup, M'Carty, Morgan, Pennington and Robb—13.

So the decision of the Chair was sustained.

A message was received from the House of Representatives by their Clerk, informing the Senate that the House were now ready to proceed in consummating the election of a Senator of the United States, begun this morning, and inviting the attendance of the Senate instanter;

Whereupon the Senate proceed to the hall of the House of Representatives, and proceeded to ballot for the eighth time, for a Senator of the United States, and on counting the votes it appeared that John Tipton had received 40, O. H. Smith 29, R. Boon 6, J. G. Read 10, A. Patterson 10, J. Ewing 1, Blake 2, N. Noble 3, Robb 1 and Blackford 3.

No person having a majority of all the votes, a ninth balloting was directed, and on counting the votes, John Tipton received 37, O. H. Smith 24, R. Boon 4, J. M'Carty 1, J. G. Read 10, A. Patterson 16, T. H. Blake 1, I. Blackford 5, N. Noble 3, W. W. Wick 1, J. Law 1, Hanna 1, T. A. Howard 1.

No person having received a majority, a tenth balloting was ordered and the following announced as the result: John Tipton received 37 votes, O. H. Smith 21, R. Boon 2, A. Patterson 22, J. G. Read, 5, I. Blackford 3, T. A. Howard 3, M'Carty 6, W. W. Wick 2, H. H. Moore 2, D. Robb 1, T. H. Blake 2, B. F. Morris 1.

No person having received a majority, an eleventh balloting was directed and the following result obtained: for John Tipton 35 votes, O. H. Smith 15, A. Patterson 24, J. G. Read 1, M'Carty 6, I. Blackford 3, T. A. Howard 4, W. W. Wick 2, H. H. Moore 3, N. Noble 1, Dewey 5, Leslie 1, J. Scott 1, B. F. Morris 2, Blake 1, blank 1.

No person having received a majority, a twelfth balloting was directed and the following was announced as the result: J. Tipton 40 votes, O. H. Smith 17, A. Patterson 24, J. M'Carty 4, C. Dewey 5, T. A. Howard 1, H. H. Moore 6, I. Blackford 1, W. W. Wick 2, N. Noble 1, D. Wallace 1, J. Scott 1, blank 2.

No person having received a majority, the President adjourned the convention until half past nine o'clock, on Monday morning the 10th inst., and the Senate returned to their chamber, and

On motion,

Adjourned until Monday morning, nine o'clock.

MONDAY, DECEMBER 10, 1832.

The Senate assembled in their chamber and repaired to the Representatives' hall, for the purpose of consummating the election of a Senator of the United States, commenced on Saturday, and having taken their seats in convention, the President directed a thirteenth balloting, and on counting the votes, the following result appeared: for John Tipton 33 votes, A. Patterson 21, C. Dewey 11, J. M'Carty 18, James Scott 6, H. H. Moore 1, J. Test 1, Hanna 1, J. B. Ray 2, Blackford 1, Law 1, Marshall 1, blank 4.

No person having received a majority of votes, a fourteenth balloting was had and the following result obtained: for John Tipton 32 votes, A. Patterson 25, J. M'Carty 18, Charles Dewey 16, J. Scott 2, R. Boon 1, J. Law 3, John Ewing 1, T. A. Howard 2, Test 1, Canby 1.

No person having received a majority of the votes, a fifteenth balloting was ordered and the following result announced: for John Tipton 29, A. Patterson 25, Charles Dewey 23, T. A. Howard 5, John Law 2, A. C. Pepper 2, Linton 1, N. Noble 1.

No person having received a majority, a sixteenth balloting was ordered and the following announced as the result: for John Tipton 34 votes, Charles Dewey 24, A. Patterson 21, J. M'Carty 14, J. Law 3, T. A. Howard 1, H. C. Hammond 1, J. Test 1, W. W. Wick 1, A. C. Pepper 1, W. C. Linton 1, blank 1.

No majority being yet obtained, the President called on the

convention to ballot for the seventeenth time, and on counting the votes, the following result appeared: for John Tipton 42 votes, Charles Dewey 28, A. Patterson 14, J. M'Carty 12, R. Boon 2, G. Boon 1, J. Law 1, Hanna 1, Linton 1, blank 1.

No candidate receiving a majority, an eighteenth ballotting was ordered, at the close of which, the votes were as follow: for John Tipton 49 votes, Charles Dewey 20, J. M'Carty 11, A. Patterson 9, R. Hanna 4, Boon 2, Law 2, Linton 1, Canby 1, blank 3.

No person having received a majority, a nineteenth ballotting was had and the following result obtained: for John Tipton 54 votes, J. M'Carty 16, A. Patterson 11, Charles Dewey 9, R. Hanna 4, O. H. Smith 2, W. C. Linton 2, Law 1, Blake 1, Boon 1, J. W. Davis 1, blank 1.

John Tipton having received a majority of all the votes of the convention, was declared by the President, duly elected Senator of the United States for six years from and after the fourth day of March next.

The President then declared the convention dissolved, and the Senate returned to their chamber,

And on motion, adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Lemon moved that the names of those gentlemen who were voted for in balloting for Senator, and who received only one vote should not be recorded by the Secretary, on the presumption that they were not candidates.

Which motion did not prevail.

Mr. Orr presented the petition of David Vance and others of Montgomery county, praying the appointment of special constables to collect military fines in each township;

Which was read, and

On motion of the same gentleman, referred to the committee on military affairs.

On motion of Mr. M'Carty, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act authorizing domestic attachments and regulating proceedings thereon, that writs may be issued into any county or counties in which the defendant or defendants may have property, in the same manner and to the same extent as the circuit courts are authorized in the act relative to foreign attachments, and that said committee report by bill or otherwise.

Mr. Ewing from the committee on canals and internal improvements, to which was referred a resolution requiring a memorial to Congress praying an ample appropriation to improve the main western mail route leading from Louisville, through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, to St. Louis, have had the subject referred, under consideration, and herewith report a memorial and joint resolution, soliciting aid to improve the great western thoroughfare, leading from Louisville to St. Louis;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Orr, the following resolution was adopted:

Resolved, That the committee on elections be instructed to inquire into the propriety of repealing so much of the first section of the act providing for the election of electors of President and Vice President of the United States, as requires the Sheriffs to advertise such elections.

Mr. Fletcher from the judiciary committee, to which the subject of abolishing imprisonment for debt, so far as females were concerned, under certain restrictions, having obtained leave, now reported a bill for the abolition of the imprisonment of female debtors;

Which was read and passed to a second reading to-morrow.

Mr. Herod submitted the following resolution, viz:

Resolved, That the committee on roads be instructed to inquire what amendments if any are necessary to the act entitled, an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832, and to report by bill or otherwise;

Which was read and adopted.

On motion of Mr. Whitcomb the following resolution was adopted, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of extending the provisions of the 9th section of an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, to defendants in criminal prosecutions in the circuit courts, with leave to report by bill or otherwise.

On motion of Mr. Hillis, the following resolution was adopted:

Resolved, That a select committee be appointed to inquire if any amendments are necessary to be made to the act entitled an act to provide for the inspection of salt, beef and flour, with leave to report by bill or otherwise.

Ordered, That Messrs. Hillis, Farrington and Hoover, compose said committee.

On motion of Mr. Feeny, the following resolution was adopted:

Resolved, That the committee on the judiciary inquire into the expediency of reducing the number of jurors to six, in the trial of actions for debt, where the sum in controversy does not exceed twenty dollars.

The President laid before the Senate the following report from the Commissioners of the Canal Fund:

To the General Assembly of the State of Indiana:

The Commissioners of the Canal fund, in obedience to the act of the General Assembly of the state of Indiana, entitled "an act supplemental to an act providing means for the construction of the Wabash and Erie Canal," approved January 9, 1832, respectfully report:

That on the 28th day of February last, the board organized at Indianapolis. On the organization of the board, the Commissioners proceeded, as authorized by law, to settle with the Treasurer of State and with the Agent of the three per cent. fund, and to ascertain the amount of funds subject to Canal purposes in their hands respectively.

On such settlement, 24,123 4-100 dollars of monies arising from the sale of Canal lands, were ascertained to be in the hands of the Treasurer of State, and 4,528 52-100 dollars in the hands of the Agent of the three per cent. fund, which had been appropriated for the improvement of the Wabash river, and which the Commissioners, by virtue of a joint resolution of Feb. 2, 1832, were authorized to withdraw from the hands of the Agent.

Of the sums which thus came to their hands, amounting together, to the sum of 28,651 56-100 dollars, the sum of 5,000 dollars was immediately, at the request of the Canal Commissioners, placed at their disposal, and the residue, except a small sum retained for contingent expenses, was, within a short time, loaned to individuals on good personal security, at an interest of 6 per cent. per annum. This sum, the commissioners have concluded to keep as a contingent fund, to meet such exigencies as may arise in the prosecution of the Canal.

By the act above referred to, the Commissioners were directed to contract a loan of 200,000 dollars, on terms named in said act. Accordingly, the Commissioners, after having advertised the loan in the cities of Baltimore, Philadelphia and New York, during the last summer, proceeded thither, and negotiated a loan at six per cent. with J. D. Beers, & Co. of New York, at a premium of 13 26-100 per cent. By the terms of the loan, the state is bound to pay the interest accruing upon it semi-annually, on the first days of January and July, at the merchants bank in the City of New

York, and the principal in 30 years, with the privilege, however reserved to the state, of paying the same at any time after 20 years, at the option of the state, provided not less than 50 per cent. on the whole sum, be paid at any one time.

By an arrangement with the merchants bank, in the City of New York, our semi-annual payments of interest are made to the holders of the stock at that bank without charge, and an interest of 4 per cent. on all deposits made therein, allowed the state.

The Commissioners deemed it inexpedient to borrow a larger sum than 100,000 at that time, because by the provisions of the act, they were prohibited from drawing a greater sum from the loan contemplated, than the amount really due the state, on the sales of Canal lands.

The sum due the state, from the purchasers of the Canal lands, did not, at that time, amount to the sum of \$100,000, but as a sale of lands was about to take place, the Commissioners agreed with the contractors for the loan, that 50,000 dollars and the premium on the *whole* sum, (viz: 13,260 dollars,) should be paid in hand, and the remaining half of the loan, be paid on the first day of March next, from which time, the state is to pay interest on the last 50,000 dollars.

As a further reason for not contracting for the sum of 200,000 dollars, the Commissioners will remark, that they were informed the sum of 100,000 dollars would be entirely sufficient for the operations of the season and until the Legislature could have an opportunity of revising that proviso in the fourth section of the act, which restricts the Commissioners as to the amount to be drawn from loans negotiated. It was also evident that a loan for 200,000 dollars could not be advantageously made, unless the Commissioners would stipulate the precise period at which the money would be called for, and even if that could have been done, other difficulties presented themselves. The Commissioners could not foresee the time at which the lands would be sold, and the prices at which they would sell. No stipulation could, therefore, be entered into that would be at all safe to the state, for a greater sum than 100,000 dollars, which was accordingly contracted for, by the Commissioners, and the propriety of their course is now submitted to the Legislature.

The Commissioners, however, lest what they have said, may tend to mislead the Legislature, will here remark, that the sum borrowed was taken as a part of the 200,000 dollar loan, authorized by the General Assembly, at an interest of 6 per cent, and was so advertised, leaving the balance of it to be negotiated and drawn when it can be done according to law. The General Assembly will therefore judge, whether in any further legislation on the subject, it will not be expedient to discriminate between the 200,000

dollars 6 per cent. loan of 1832, and any further loans that may be authorized.

By the provision of the act of the 9th of January aforesaid, it is made the duty of the Fund Commissioners to settle with the Canal Commissioners on or before the first Monday of December, annually, which settlement, together with a full and minute account of the fund, is required to be reported to the General Assembly. In obedience to the requisitions aforesaid, the undersigned have made a settlement with the Canal Commissioners, and having carefully examined their vouchers, believe their accounts to be correct. We find that of the sum placed at the disposal of the Canal Commissioners, \$5,420 9-100 has been paid out; an account of which, supported by vouchers, has been submitted to us, and a copy of which account is herewith presented, marked A.

The following exhibits at one view, the situation of the whole fund:

WABASH AND ERIE CANAL FUND EXHIBIT.

To amount received from Treasurer of State for Canal lands sold,	\$24,123 04	
Amount received from Agent 3 per cent. fund and Wabash fund,	4,528 52	
	<hr/>	\$28,651 56
“ in the hands of D. Burr, as reported to Gen. Assembly, Dec. 16, 1831,	219 87	
“ in the hands of Saml. Lewis, reported at the same time,	118 51	
“ of interest on lands sold in 1830 per D. Burr's account,	51 72	
“ of interest on lands sold in 1830 per Saml. Lewis' account,	281 42	
“ of interest on lands sold in 1830 per J. Vigus' account,	2,233 08	
	<hr/>	2,566 22
“ full payments on land sold in 1830 per J. Vigus' account,	894 45	
“ full payments on lands sold in 1830 per S. Lewis' account,	155 26	
	<hr/>	1,049 79
“ received by Samuel Lewis for lands sold since Oct. 6, 1832, and interest thereon as per account,	1,984 38	
“ received by Jordan Vigus since Oct. 6, 1832 for lands sold and interest thereon, as per account,	13,257 17	
	<hr/>	15,241 55

“ received on the loan authorized by law, to wit: on the 18th of Aug. 1832, at the Merchants' Bank, in N. Y. from J. D. Beers, & Co.	-	-	63,260 00
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Total,			<u>\$111,007 42</u>
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From this total has to be taken the sums
disbursed by the Canal Commissioners,
as shown by the statement marked A and
herewith presented,

5,420 09

And the sums disbursed by the Fund
Commissioners in negotiating the loan,
salaries, &c. as shown by the file marked
B, herewith also submitted,

1,014 10

6,434 19

Balance,			<u>104,573 23</u>
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This balance is subject to augmentation by the interest accruing to the state from the loans above adverted to, and by the interest on deposits in the Merchant's Bank, and is subject to a charge of some printing accounts and others of small amounts, for which vouchers are not yet obtained.

The act creating the board to which we belong, invites us to make such recommendations as we think important to the fund committed to our management. The board will therefore respectfully suggest to the Legislature, such an amendment in the act of the 9th January, 1832, as will require the Fund Commissioners to draw such sums and at such periods, and to contract for such loans as the Canal Commissioners may indicate, will be required from time to time.

If the Legislature think proper to impose any restrictions on the Canal Commissioners, (where it ought to be imposed, if at all,) it should be so guarded as not to throw any obstacle in the way of obtaining advantageous loans by the Fund Commissioners. The restriction naturally turns the attention of the stock dealer or capitalist to the land subject, and his mind has first to be satisfied that the Commissioners are not likely to exceed their powers, whereas authority to act on the suggestions of the Canal board would limit inquiries to the general resources of the state and general pledge of state faith.

The board would further suggest, that when another loan is authorized, it be for the whole sum necessary to complete the Canal. The undersigned believe that a single loan for a large sum would be taken on terms more advantageous to the state, than if taken in small sums and at different periods during the progress of the work. It is believed that a loan of \$500,000 at 6 per cent.

would be taken at a premium that would pay the interest for the term of 3 years, during which time the Canal might be completed if labor can be procured on reasonable terms. Should 4 years be required for its completion, still the state would loose nothing, as the interest yielded on the deposits, might amount to (and most probably would) a sum greater than the interest of a single year. The purchasers of our stock are now interested in the prosperity of the state, and to them the propriety of adopting some course by which the land can be made to yield the greatest possible sum, seems desirable. If we can suppose the whole line completed, within four years, without paying interest, we can readily imagine, that with the Canal added to the fund arising from the lands, which by the construction of the Canal would have increased value, but little difficulty could arise in meeting the subsequent payments of interest.

Time is hardly afforded, to examine and correct our own accounts; and pass the vouchers and drafts of the Canal Commissioners, with that scrutiny, which accounts of their importance demands, within the first week of the meeting of the General Assembly.

The month of November is usually a good month for Canal operations, and consequently, the time of the Canal Commissioners is taken up on the line, thereby precluding them from making reports to this board, until near the time, when the undersigned are required to report to the Legislature. It might insure a greater degree of correctness, to extend the period of our Report, to the second week, instead of the first week in December.

Respectfully submitted,

WM. C. LINTON,
N. M'CARTY,
J. SULLIVAN.

} *Fund Commrs.*

(A.)

EXPENDITURES OF CANAL COMMISSIONERS.

1832, June 16. To amount of expenditures paid by D. Burr for printing, pay of hands, stationary, provisions, &c., from December 16th, 1831, to June 16th, 1832, as pr his account rendered, No. 1.	\$125 84
" November 30. Am't of expenditures paid by D. Burr since 16th June	363 18
	----- 489 02

Amount of expenditures paid by Samuel Lewis, for hire of hands, boarding, and Engineer's account for contingencies, as per account rendered, No. 2 - - -

212 01

212 01

Amount of expenditures paid by J. Vigus for Clerk hire at land sale, for classing lands, printing, &c., as per account rendered, No. 3 - -

253 06

253 06

954 09

Salary of J. L. Williams, principal Engineer, from June 16th to November 30, as per account No. 4

810 00

Paid Contractors for $\frac{1}{2}$ of 4,188 of labour done on Canal line as per abstract or account rendered No. 5, with receipts - - -

2,094 00

D. Burr's salary as Canal Commissioner from the 16th, December to the 16th of June, (see account No. 1,) 177 days

354 00

D. Burr's salary from the 16th of June to the 30th of November, 105 days - - -

210 00

Samuel Lewis' salary, as Canal Commissioner from the 16th December, 1831, (see account No. 2,) 153 days - - -

306 00

Samuel Lewis' salary, from the 16th June, to the 30th November, (see account No. 2,) 139 days - -

278 00

584 00

J. Vigus' salary from the 16th December, 1831, to the 30th of November, 1832, 207 days - -

414 00

414 00

1,562 00

Total expenditures

\$5,420 00

(B.)

EXPENDITURES OF FUND COMMISSIONERS.

To Douglass & Maguire. February 10, 1832, for printing 150 copies of pamphlets, con- taining laws, reports, &c., in relation to the Wabash and Erie Canal, (account No. 1)			\$16 60	
			<hr/>	\$16 60
To Isaac Munroe, For publishing advertisements relative to the Indiana Canal loan, from April 10, 1832, 4 times, 3 squares (account No. 2,) (Baltimore)			3 00	
			<hr/>	3 00
To M'Carty & Williams, March 17, 1832. To cash paid postage on let- ter from New York			25	
May 28. One Scott & Lodwick map of Indiana			4 50	
June 25. Cash paid postage on letter from N.Y.			25	
July 9. do. do. do. do. do.			25	
Sept. 24. do. do. do. W. C. Linton's letter of Sept, 28			12½	
Oct. 14. do. Do. letter from New York			25	
Dec. 5. Two oz. wafers - - -			12½	
To half doz. English quills, at 62½ ct. (act. No. 3)			31¼	
			<hr/>	\$6 06½
To Wm. C. Linton, To 7 days services, attending meeting at In- dianapolis, 28th February, 1832, at \$2 pr. day			14 00	
Cash expended same meeting			7 00	
To 2 days at meeting in May, 1832			4 00	
To 100 days from the 20th May, to 1st Sept. (except 2 days) - - - - -			200 00	
To cash expended on behalf the State in travelling, and in negotiating in Philadelphia and New York, in regard to the Canal loan			200 00	
To 12 days, to 7th Dec., 1832, at meeting of November and December, 1832 - - -			24 00	
Cash expended same time, (account No. 4)			12 00	
			<hr/>	461 00
To Jeremiah Sullivan, For 2 days services in May, 1832, at \$2			\$4 00	
" 7 days in attending meeting at Indiana- polis in May, 1832, at \$2,00 - - -			14 00	

To expenses in attending same meeting, money paid out, &c.	13 00
To 41 days at Philadelphia and New York	82 00
“ 5 days conveying stock certificates to Indianapolis to be countersigned	10 00
To cash paid out in negotiating loans at Philadelphia and New York	130 06
To one day's services in October	2 00
“ 17 days in November and Dec. 1832	34 00
Dec. 6, to cash laid out at same time, (account No. 5)	21 00
	<hr/> \$310 00

To Nicholas M'Carty,

To 2 days attending meeting at the Board, 28th and 29th of February at \$2	4 00
To 2 days attention in loaning money and attending to publications ordered by the Board, &c.	4 00
To 2 days attending meeting of the Board, in May 1832	4 00
To 30 days travelling and assisting in ne- gotiating loan in New York	60 00
To cash paid necessary expenses during said 30 days	137 00
Dec. 7, to 3 days attending Board now in session, inclusive, (account No. 6)	6 00
	<hr/> 215 00

To John Cain,

May 25, for one Blank Book, 4 quires	\$1 50
To lettering the above book	12½
“ postage on 4 newspapers	06¼
Dec. 6, to an alphabet, (account No. 6)	75
	<hr/> \$2 43¾
	<hr/> \$1,014 10

On motion of Mr. Ewing, the said report and documents were referred to the committee on canals and internal improvements, and 500 copies of the same ordered to be printed.

The President laid before the Senate the following report from the Auditor of Public Accounts:

AUDITOR'S OFFICE, }
DECEMBER 7th, 1832. }

In obedience to the act entitled “An act concerning the Auditor of Public Accounts and Treasurer of State,” the Auditor

submits the following report of Receipts and Expenditures, on account of the State of Indiana, from the 4th of December, 1831, to 3rd of December, 1832, (both inclusive.)

There was remaining in the Treasury on the 3d of December, 1831, provided all claims audited to that date, were paid \$44,033 32

Since that period, there has been paid into the Treasury, on account of Revenue unpaid for the year 1823				247 04	
	"	"	1824	33 56	
	"	"	1828	150 00	
	"	"	1830	78 00	
	"	"	1831	33,370 89	
	"	"	1832	6,884 36	
					40,763 85
From sales of Michigan Road Lands				35,527 96	
From Fund Commissioner of Wabash and Erie Canal				5,181 82	
From Agt. of State for town of Indianapolis				8,136 52	
From Seminary lands				2,221 08	
From borrowers of seminary fund (refunded)				2,660 00	
From interest received from loans of seminary funds				2,41 81	
From estates without heirs				937 18	
From Agents of salt springs				213 12	56,919 49
Making the amount of receipts					141,716 66

Since the above period there has been audited for public printing and stationary		4,673 54
For expenses of last General Assembly, including pay of members, clerks and door keepers		16,114 22
For salaries of Executive officers		2,596 72
For Prosecuting Attornies		1,004 04
For Supreme and President Judges		5,514 98
For Probate Judges		2,220 00
For Adj. and Quarter Master Generals		170 71
For State Seminary		2,508 68
For State Library		100 00
For State Prison		1,971 34
For Wabash and Erie Canal		28,753 00
For Michigan Road		33,955 47
For Seat of Government		342 85
For Specific appropriations		1,250 33
For Superintending Salt Springs		30 00
For Wolf Scalps		795 50
For Loans of Seminary fund		7,177 50

For Treasury Notes burnt	5 00
For Presidential election	209 70
For Conscientious fines	36 00
For Contingent fund	836 35

Making the total amount of expenditures \$110,265 93

From \$141,716 66 (the receipts) take
 \$110,265 93 (the expenditures)
 and there remains in the Treasury

on the 5th day of december, 1832 31,450 73

The amount of assessments for the present year, is \$46,531 05, from which, after deducting delinquencies and expenses incident to the collection of the revenue, there will probably be realized to the Treasury

\$39,000 00

Respectfully submitted,

MORRIS MORRIS, A. P. A.

On motion of Mr. Pennington, the same was referred to the committee of ways and means.

The President communicated to the Senate, the annual report of the Treasurer of State and accompanying documents, marked Nos. 1 and 5, inclusively:

(No. 1.)

TREASURY DEPARTMENT,
December 6th, 1832.

The Treasurer, in compliance with the requisitions of the "Act concerning the Auditor of Public Accounts and Treasurer of State" respectfully submits the following Report of the Revenue and Expenditures of the State, from Dec. 3d, 1831, to Dec. 1st, 1832.

Balance in Treasury, reported last year	\$44,048 07
Receipts during the fiscal year,	
From taxes assessed for 1823,	\$247 04
" " 1824,	33 56
" " 1828,	150 00
" " 1830,	78 00
" " 1831,	33,370 89
" " 1832,	6,884 36
Total revenue,	40,763 85

From the Agents for Indianapolis,	8,136 52
“ Commissioner Michigan Road Lands,	35,527 96
“ Canal Funds,	5,181 82
“ Estate without heirs,	937 18
“ Salt spring reserves,	213 12
“ Interest on loans,	2,41 61
“ sale of college lands,	2,221 08
“ loans refunded,	2,660 00
Total,	141,731 41

Expenditures during the same period :

Pay and milage of last Legislature,	\$14,187 72	
Pay to clerks and door keepers,	1,926 50	
		16,114 22
Paid the public printers,	1,738 46	
Paid book binders,	569 76	
Paid for stationary and carriage,	2,095 32	
Paid for distributing laws and journals,	270 00	
		4,673 54
Specific appropriations,	1,244 68	
Contingent expenses,	836 35	
Salaries of Executive officers,	2,596 72	
Salaries of Judges,	5,514 98	
Salaries of Prosecutors,	943 54	
Salaries of Probate Judges,	2,202 00	
Salaries of Adjutant and Quarter Master Generals,	170 71	
State prison expenses,	1,985 09	
State library expenses,	100 00	
Presidential election,	209 70	
Wolf scalps,	794 50	
Treasury notes destroyed,	5 00	
Ordinary expenses,	37,391 03	
Michigan road scrip redeemed,	30,903 86	
Michigan road expenses,	3,051 61	
Indiana college expenses,	2,508 68	
Salt spring expenses,	30 00	
Seat of government expenses,	342 85	
Loans of college funds,	7,177 50	
Canal fund payments,	28,753 00	
Conscientious fines distributed,	36 00	
Cash on hand,	31,536 88	
		141,731 41

The Cash on hand is subject to the following deductions :

Outstanding warrants	85 15
Salaries of Judges, Prosecutors and other claims due, but not audited	2550 00
Conscientious fines	530 50
Canal Fund	148 56
Indianapolis Fund	21672 11
Claims of Probate Judges estimate	1200 00
<hr/>	
Making in all	26184 32
Which deducted from the cash on hand leaves	5351 56
The revenue of 1832 to be paid subsequently to the first of Dec. inst. will probably amount to	32000 00
There has been anticipated of the College fund	2456 62
Balance due the State from the Michigan Road fund	3275 51
<hr/>	
Making for the expenses of the ensuing year	43082 69

Those expenses may be estimated as follows :

Salaries of Judges and prosecutors,	8,200 00
Salaries of Governor, Secretary, Treasurer and Auditor,	2,600 00
Salaries of Probate Judges,	2,400 00
Printing and stationary,	4,500 00
Legislature,	17,000 00
Contingent fund,	1,000 00
State prison,	800 00
Wolf scalps,	800 00
Specific appropriations,	1,500 00
Presidential election, state library, Adj. General, &c.	800 00
<hr/>	
	39,600 00
Which will leave in the Treasury, 1st Dec. 1833,	3,482 69

The rates of taxation having continued the same since the year 1826, the actual receipts from each year's assessment in the annexed statement, present in a favorable light, the prospects of the State for Revenue.

Receipts from the taxes of	1827	27,299 27
“ “	1828	29,926 12
“ “	1829	32,282 69
“ “	1830	34,475 07
“ “	1831	37,023 77
Estimate for	1832	38,884 36

The revenue hereafter can hardly be expected to increase in the same ratio. Some diminution will be occasioned by the alteration of the law authorising the sale of land for taxes. The receipts however, will no doubt meet all demands at the treasury. It affords pleasure to state, that the Collectors of the last year were equally punctual, with those of the preceding. No delinquency of moment occurred and the prospect of a full settlement by the Collectors of the present year, is not less favorable.

Respectfully submitted,
SAM'L. MERRILL.

(No. 2.)

Report in relation to the Loan Office, from Dec. 3, 1831, to Dec. 1, 1832.

Cash on hand reported last year,	306 67
Received from James Borland, Commissioner of the College township, Monroe,	1,716 08
“ From James Smith, Commissioner of the Gibson township,	305 00
Loans refunded,	2,660 00
Interest on loans,	2,041 81
	<hr/>
	7,229 56
During the above period, there have been loans as per list accompanying	7,177 50
Salaries of President and Professors of College,	2,090 00
Superintendents' allowance,	89 73
Paid for work and materials on College buildings,	200 00
“ for Philosophical apparatus,	114 25
“ Recorder of Monroe,	14 70
	<hr/>
	\$9,686 18

Which anticipates the funds hereafter to be paid to the amount of \$2,456 62.

There have been sold in the township in Monroe, (exclusive of the 12 half qrs. sold for college buildings,) 210 half qrs. of land for \$35,433 80, of which there has been paid \$17,211 50, and interest on the balance, amounting to \$2,798 49.

In the township in Gibson, 165 half qrs. of land have been sold for \$20,347 35, of which \$10,439 02 has been paid, and interest on the balance amounting to \$2,491 45.

The principal paid for land, amounts in all, to \$30,022 48

Interest paid by purchasers of lands,	8,289 94
Interest on loans,	8,404 85
Amount due from purchasers of lands,	28,130 63
Rents paid,	119 00
Estimated interest due,	1,800 00
	<hr/>
	76,766 90

Deductions.

Appropriations by the Legislature,	620 19
Superintendents allowance,	412 97
Recorders of Gibson and Monroe,	206 42
Orders of College trustees,	10,931 09
Commissioner's allowance,	1,281 42
Balance in favor of College,	63,314 81
	<hr/>
	76,766 90

It will be seen that the interest received, exceeds all the expenditures \$3,242 70. There are still unsold 132 half qr. sections of land, 20 of which are in the reserved section near the College.

The Superintendent during the last year, again advertised to receive applications for loans. These applications were decided upon by lot, and he expects to go through with the list in the order their names were drawn, which will not probably be done in less than three years. But the single instance of loss to the fund, reported last year, is yet known or anticipated.

Respectfully submitted,

SAMUEL MERRILL.

Loan Office, Dec. 6, 1832.

(No. 3.)

List of borrowers of the College Fund.

Joseph Glansy,	25 00
John Tracy,	150 00
Samuel M'Ilvain,	104 00
Hiram Bacon,	100 00
Levi Jessup,	250 00
Jacob Darringer,	100 00
Martin Martindale,	75 00
Wm. F. Skelton.	100 00

James Griswold,	20 00
James Skelly,	41 50
Noah Noble,	500 00
Thomas Hume,	50 00
Adam Wright,	100 00
E. N. Shimer,	50 00
Richard Watts,	30 00
Andrew Evans,	250 00
James M. Nichol,	106 00
John Derrickson,	106 00
Joseph J. Boone,	300 00
Philip M'Clain,	62 50
George W. L. White,	500 00
Alexander Miller,	100 00
James Bates,	87 50
George Anderson,	125 00
George Wight,	200 00
William Robinson,	50 00
Andrew Elswick,	150 00
William Heaton,	500 00
James M'Cormick,	125 00
Joseph Christenburg,	30 00
Josiah Spurgin,	200 00
Thomas Emison,	500 00
E. B. Wilson,	300 00
Gillis M'Bean,	500 00
John Alexander,	100 00
James Evans,	500 00
John Gibbons,	150 00
Richard Kinneman,	87 50
Samuel K. Barlow,	137 50
Samuel Doty,	60 00
Andrew Jackson,	75 00
	<hr/>
	7,177 50

The above is correct,

SAMUEL MERRILL.

(No. 4.)

Expense of Stationary and carriage paid by the Treasurer, from Dec. 4, 1831, to Dec. 1, 1832.

1831. Dec. 13, Paid Leeds, Jones & Co.		
for 20 reams fine post No. 1,	3 75	75 00
10	1,	3 25
		32 50

Carriage,			\$4 12½
N. Cline, for carriage,			19 50
26, James Y. Brisbin, carriage,			31 12½
John Ritchey,	"		30 22½
John Dabney,	"		4 87½
1832, Feb. 5, Paid Wm. Sheets for 13½ reams			
royal, No 3,		at \$4 00	54 00
1 ream post,	No. 1,		3 75
2 reams post,	2,	3 50	7 00
5 reams post,	3,		16 25
Box,			50
6 quires flat post,			1 50
125 reams, royal No. 3,		4 00	500 00
125 " 5,		3 25	406 25
20 reams medium, 3,		3 50	70 00
6 reams envelope,		5 00	30 00
4 reams folio post,		7 00	28 00
30 reams fine post,		3 75	112 50
12 reams cap, No. 2,		3 00	36 00
Paid Jacop Landis, bill of sundries,			7 00
Bought of Leeds, Jones, & Co.			
40 reams medium, No. 4,		3 25	130 00
20 " 3,		3 75	75 00
20 reams post,	1,	3 75	75 00
10 " 2,		3 25	32 50
10 reams cap,	1,	3 25	32 50
10 " 2,		3 00	30 00
24 reams royal,	3,	4 00	96 00
8 reams cap,	1,	3 25	25 00
2 reams post,	2,	2 25	6 50
Carriage of 2418 lbs.			24 10
4 boxes,			2 00
Paid Jos. Glover for carriage,			2 73
James Y. Brisbin, carriage,			15 00
" " "			48 60
Jos. Glover,	"		23 65
J. Irwin,			5 56
			<hr/>
			2,095 32

The above is correct.

S. MERRILL.

(No. 5.)

Expenditures from the Contingent Fund during the year 1832.

1832, Jan. 15,	To John Cain for postage,	64 63.
25,	" "	38 41
S 8		

	I. P. Griffith, for copying joint resolutions,	50	00
	M ^c arty & Williams, for stationary,	93	81
Feb. 5,	Brown & Morrison, " "	17	75
	M. H. Cropper for mistake in copying specific appropriation law,	50	00
Mar. 15,	I. N. Phipps, for stationary,	6	38
	John Cain, postage,	25	27
	Sam. Brown, for work on the circle,	50	
	Wm. Tichenor, for stationary,	1	19
April 22,	John Cain, for binding,	43	09
	do. do. for Auditor,	33	00
	do. for postage,	40	06
	M. Morris, for maps distributed to several counties,	50	00
	Nat. Cox, for boxes to pack laws,	24	00
	John Cain, blank book for Qr. Mas. Gen.	6	00
	Wm. Lewis, list of relinquished lands,	15	00
	Jos. Robinson, for transporting arms,	8	00
	John Cain, binding laws, &c.	53	50
	A. W. Russell, for transportation of arms,	63	00
June 24.	Hartshorn, " "	10	00
	Thos. O'Neal, " "	10	00
	C. I. Hand, expenses in hunting horses lost in the Chicago expedition,	10	00
	William Tichenor, for stationary,	4	00
	John Cain, for postage,	48	96
	Edward Smith, for transportation of sundries,	5	00
	Tho. B. Johnson, for repairing conductor of Governor's House,	5	50
	C. I. Hand, expenses as an express,	10	00
	A. W. Morris, for making maps for several counties,	57	00
		<hr/>	
		837	35

The above is correct.

S. MERRILL.

On motion of Mr. Pennington, so much of said report as relates to the finances of the state, was referred to the committee of ways and means, and so much as relates to the Loan office and Seminary funds, was referred to the committee on education

The Senate proceeded to consider the orders of the day,

And on motion of Mr. Pennington, went into committee of the whole Senate, for the purpose of considering the message of the Governor, and after some time occupied therein, the committee

rose, and Mr. Pennington, their Chairman, reported the following resolutions, as the result of their deliberations:

Resolved, That so much of the Governor's message as relates to the Wabash Canal, Canal lands and the Fund appropriated to advance the work, be referred to the committee on canals and internal improvements.

Resolved, That so much of the Governor's message as relates to the public lands and the votes of our Senators and Representatives in Congress, be referred to the standing committee on elections.

Resolved, That so much of the message as relates to the State house, be referred to the joint committee on the public buildings.

Resolved, That so much of the message as relates to the militia, be referred to the committee on military affairs.

Resolved, That so much of the message as relates to the immediate settlement of the country lately obtained of the Indians, be referred to the committee on canals and internal improvements.

Resolved, That so much of the message as relates to the Miami Indians and an exercise of jurisdiction over them, be referred to the standing committee on the judiciary.

Resolved, That so much as relates to the State Library, be referred to the committee on that institution.

Resolved, That so much of the message as relates to common schools, be referred to the committee on education.

Resolved, That so much of the message as relates to the Probate system, be referred to the standing committee on the judiciary.

Resolved, That so much of the message as relates to the pecuniary wants of our citizens and the creation of a State Bank, be referred to the committee of ways and means.

Which said several resolutions, with the exception of the last, were severally concurred in.

Mr. Pennington moved to amend the last resolution by substituting a reference to a select committee, instead of the committee of ways and means;

Which proposed amendment was agreed to.

Ordered, That Messrs. Farrington, Orr, Hanna, Feeny and Fletcher, compose said committee.

On motion of Mr. Fletcher, the Senate went into committee of the whole, for the purpose of taking into consideration an act en-

titled an act to amend the act entitled an act, directing the mode of suing out and prosecuting writs of *habeas corpus*, approved Jan. 12, 1828, when, after some time occupied in the consideration of the same, the committee rose, and Mr. Graham, their chairman, reported said bill with sundry amendments;

In which the Senate concurred.

Ordered, That the bill be engrossed for a 3d reading to-morrow.

And on motion,

The Senate adjourned.

TUESDAY, DECEMBER 11, 1832.

The Senate assembled.

The President being absent, Mr. Morgan was called to the Chair.

On motion of Mr. Pennington, the Senate proceeded to ballot for a President *pro tempore*, Messrs. Hillis and Wallace were appointed tellers, and on counting the votes, it appeared that Mr. Graham had received 15 votes, Mr. Pennington 10, scattering 4.

Mr. Graham having received a majority of the votes present, was declared duly elected President *pro tempore*, and by the tellers conducted to the Chair, from whence he made an appropriate acknowledgment for the honor conferred.

Mr. Lemon presented the petition of Joseph Carr and others, citizens of Clark county, praying the repeal of an act of the last session, locating a road from New Albany to Lexington.

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. M'Carty presented the petition of R. Tyner and others, praying the incorporation of a State Bank;

Which was read, and

On motion of the same gentleman, referred to the select committee appointed to take into consideration that part of the Governor's message relative to the same subject.

Mr. Givens, from the standing committee on elections, to which had been referred the credentials of the newly elected members of the Senate, now made the following report:

The committee on elections, to which the credentials of the newly elected Senators had been referred, have had the subject under consideration and have directed me to report the following duly elected, viz:

From the county of Jefferson—David Hillis.

From the counties of Clark and Floyd—John M. Lemon.

From the county of Parke—Hugh F. Feeny.

From the county of Rush—Amaziah Morgan.

From the county of Wayne—David Hoover.

From the county of Washington—Ezekiel D. Logan.

From the counties of Gibson, Pike and Dubois—David Robb.

From the counties of Henry, Hancock and Madison—Elisha Long.

The gentlemen returned from the counties of Orange and Lawrence, and from the counties of Allen, Randolph, Elkhart, St. Joseph, Laporte, Lagrange, Grant and Delaware, viz: Messrs. Chambers and Hanna, have not produced certificates of their election in conformity with the statute, in consequence, it is supposed, of carelessness or inadvertance in the local officers. Instead of producing the certificates of the *Sheriffs* of the respective counties, they have exhibited those of the *Clerks* of their respective counties, but the certificates are such as to leave no doubt in the minds of your committee, that the said gentlemen have been duly elected members of this body, and in accordance with such opinion, they recommend the adoption of the following resolution:

Resolved, That Samuel Chambers be recognized as the Senator from the counties of Orange and Lawrence, and that Samuel Hanna be recognized as the Senator elect from the counties of Randolph, Allen, Elkhart, St. Joseph, Laporte, Lagrange, Grant and Delaware.

Which report having been read,

On motion of Mr. Hillis, was concurred in.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the act authorizing domestic attachments and regulating the proceedings thereon, so that writs may be issued into any county where the defendant may have property, in the same manner as is provided for issuing writs of foreign attachments, have considered the subject so referred, and have directed me to report a bill in pursuance of the inquiry contained in the resolution, entitled a bill to amend the act authorizing writs of domestic attachment and regulating the proceedings thereon;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law, for the compensation of school commissioners for the services required of them in the 7th section of an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 10, 1831, with leave to report by bill or otherwise.

On motion of Mr. Givens, the following resolution was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, an adequate penalty for attempting to release persons confined in jail, by furnishing them with tools or otherwise.

On motion of Mr. Hillis, the following resolution was adopted:

Resolved, That so much of the Governor's message as relates to memorializing Congress on the speedy completion of the surveys and bringing into market, a portion of the public lands in this state, lately ceded by the Pottawatamie Indians, be referred to the committee on canals and internal improvements.

Mr. Logan submitted for consideration, the following:

Resolved, That the committee on roads be instructed to inquire into the expediency of making a further appropriation of the 3 per cent. fund to the several counties in this state, for the further improvement of state roads, with leave to report by bill or otherwise; Which was read and adopted.

On motion of Mr. Morgan, the following resolution was adopted:

Resolved, That the committee on education be instructed to inquire into the expediency of authorizing the trustees of congressional townships, or the sub trustees of school districts, to obtain by donation or purchase, lands for sites for school houses.

On motion of Mr. Hendricks, the following resolution was adopted:

Resolved, That so much of the Governor's message as relates to the improvement of the Michigan road, be referred to the standing committee on roads, and that said committee be instructed to inquire into the expediency of appropriating a further sum, and to what amount out of the Michigan road fund to the improvement of said road.

On motion of Mr. Herod, so much of the Governor's message as relates to revenue, was referred to the committee of ways and means.

On motion of Mr. Hanna, it was

Resolved, That the committee on canals and internal improvements be instructed to report a memorial to Congress, praying an appropriation of money sufficient to improve and render available

the harbor on Lake Michigan at the mouth of Des Chemins, and the erection of a Light house in the vicinity of said harbor.

On motion of Mr. Dumont, it was

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to inquire into the expediency of enclosing the Governor's circle, and that they examine into the situation of the Governor's house and ascertain what improvements are required on the circle, and whether it would be expedient that his Excellency the Governor, should occupy said house, with leave to report by bill or otherwise.

On motion of Mr. Pennington, the following resolution was adopted:

Resolved, That so much of the Governor's message as relates to the assessment of state and county revenue, and furnishing tract books to clerks, be referred to the committee on ways and means.

Mr. Orr submitted for consideration, the following:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the act incorporating congressional townships and providing for public schools therein, so that township trustees shall have further time to district their townships, in all cases where they have failed to district the same within the time limited by law.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the committee on claims be instructed to inquire into the expediency of making an allowance to Benjamin Rogers of Monroe county, for services during the past year, rendered to the state as superintendent of Jackson's lick in said county, as per his account rendered.

Mr. Pennington, on leave asked and granted, introduced a bill to relocate a part of a certain state road therein named;

Which was read twice by consent of the Senate, and

On motion of Mr. Frisbie, referred to a select committee.

Ordered, That Messrs. Frisbie, Robb, Pennington and Lemon compose said committee.

Mr. Long, on leave granted, introduced a bill to amend an act to appropriate part of the 3 per cent. fund and for other purposes, approved Feb. 10, 1831;

Which was read and passed to a second reading to-morrow.

Mr. Ewing, on leave granted, introduced a memorial to the Congress of the U. S. and joint resolutions, soliciting an appropriation of land or money, sufficient to improve the navigation of the Wabash and White rivers;

Which was read and passed to a second reading to-morrow.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

And proceeded to the consideration of the orders of the day.

A bill for the abolition of the imprisonment of female debtors was read a second time.

On motion of Mr. Ewing, the same was committed to the whole Senate and made the order of the day for to-morrow.

A memorial and joint resolution soliciting aid to improve the great western thoroughfare leading from Louisville to St. Louis, was read a second time.

On motion of Mr. Chambers, the same was ordered to be engrossed and read a third time to-morrow.

An engrossed bill entitled an act to amend an act directing the mode of suing out and prosecuting writs of *habeas corpus*, was read a third time and passed.

On motion of Mr. Logan, the following resolution was adopted:
Resolved, That the House of Representatives be informed that in consequence of the temporary absence of the Lieutenant Governor, the Senate has elected William Graham, one of their body President *pro tempore*.

Mr. M'Carty, on leave being granted, submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the act regulating distress for rent, so as to require adjudication by the justice of the peace who may issue the warrant, and that he require the return thereof to be made before him after levy, and that an investigation be had upon the legality of the landlord's claim for rent, that he render judgment for the amount found to be due as in other cases, that execution issue upon said judgment for the sale of the goods distrained, or so much thereof as may be necessary for the payment of said judgment and costs, and that said committee have leave to report by bill or otherwise.

Mr. Clark moved to amend said resolution, by enlarging the inquiry, so as to embrace the following: "also to inquire into the

expediency of providing by law for the issuing of distress warrants, in those cases where the lessees give one third or any other portion of the produce of the land as rent,"

Which motion did not prevail.

Mr. Farrington moved further to amend said resolution, by striking out all from the word "rent," except the words "with leave to report by bill or otherwise."

Which was accepted by the mover, and the resolution thus amended, was adopted.

And the Senate adjourned.

WEDNESDAY, DECEMBER 12th, 1832.

The Senate assembled.

Mr. Frisbie presented the remonstrance of Elam Willey and others, citizens of Crawford and Harrison counties, against changing that part of the New Albany and Princeton state road, relocated by J. L. Smith, which lies between J. Leslies and Corydon;

Which was read, and

On motion of the same gentleman, referred to the same select committee to which, on yesterday, a bill upon that subject was referred.

Mr. Blair, from the committee on unfinished business, made the following report:

Mr. PRESIDENT:

The committee on unfinished business, after a careful examination, find the following bills and joint resolutions not finally acted upon, during the last session of the General Assembly, to wit:

A bill regulating the sales of canal lands and for other purposes;

A bill for the relief of Andrew M'Coy;

A bill from the House of Representatives to amend the act entitled an act regulating general elections, approved January 31, 1831, and a bill of the Senate on the same subject;

A bill to repeal a part of the act entitled an act making provision for expending the Mauks ferry road fund and for other purposes;

A bill to amend the act to establish a state road from Lake Michigan via Indianapolis to some convenient point on the Ohio river;

A bill to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians;

A bill to improve the Mauks ferry state road;

A bill to authorize the Secretary of State, the Treasurer of State and Auditor of Public Accounts to enclose the Governor's circle and for other purposes;

A bill concerning trustees of county seminary funds and commissioners of school lands;

A joint resolution of the General Assembly of the state of Indiana, on the continuation of the construction of the Cumberland road;

A joint resolution of the General Assembly, on the subject of amending the Federal Constitution;

A joint resolution giving longer time to the contractors on the Michigan road, to complete their contracts;

A joint resolution responding to the state of Delaware, in relation to the public lands;

A joint resolution responding to a report and joint resolution of Ohio, as to the power of the general government to appropriate money to aid the colonization society.

Your committee have adopted the following resolution, in which they desire the concurrence of the Senate.

Resolved, That the above named bills and joint resolutions be indefinitely postponed;

Which report was read, and

On motion of Mr. Ewing, laid on the table.

On motion of Mr. Long,

Resolved, That the committee on roads be instructed to inquire into the expediency of repealing or amending the act to re-locate a part of the Lawrenceburgh and Rushville state road, in Rush county.

On motion of Mr. Herod,

Resolved, That the committee on the judiciary be instructed to prepare and present to the Senate, a joint memorial to the Congress of the United States, praying a revival of the act granting to actual settlers the exclusive privilege, for a limited time of entering such lands as by them are occupied.

The following message was received from the House of Representatives, by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill entitled "an act authorizing the Washington Circuit Court to hold a special session," in which the concurrence of the Senate is requested.

The bill named in the message was read and ordered to a second reading on to morrow.

On motion of Mr. Chambers,

Resolved, That the Sergeant at arms, be instructed to contract with the public printer to print 100 copies of the Marshalls return of the census for 1830, for the use of the Senate.

On motion of Mr. Dumont,

Resolved, That the judiciary committee be instructed to inquire whether it would be consistent with policy and justice, to enact a general law for the change of venue in criminal cases.

The Senate proceeded to the consideration of the orders of the day.

The bill to amend the act authorizing writs of domestic attachment and regulating the proceedings thereon;

The Bill to amend an act to appropriate a part of the 3 per cent. fund and for other purposes, and

The memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers,

Were severally read the second time and ordered to be engrossed for a third reading.

A memorial and joint resolution, soliciting aid to improve the great western thoroughfare, leading from Louisville, Kentucky, to St. Louis, Missouri via Paoli, Mount Pleasant, Washington and Vincennes, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

The Senate, according to order, resolved themselves into a committee of the whole, on the bill for the abolition of imprisonment of female debtors, and after some time spent therein, Mr. Beard reported the same with an amendment, which was by striking out the first section thereof, and on the question of concurrence, it was decided in the negative.

On motion of Mr. Whitcomb, said bill was recommitted to the judiciary committee.

And the Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Lemon asked leave to introduce the following resolution, which was granted, viz:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of increasing the fines of all militia officers and privates, for any neglect of duty required of them by the militia laws of this state, and it shall further be the duty of said committee to report any other amendments to said law, that they may deem expedient.

Mr. Long moved to amend the same by striking out the words "and privates."

Which was carried in the affirmative, and the resolution thus amended was adopted.

Mr. Whitcomb, from the judiciary committee, on leave being granted, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of George W. Dewees, praying a change of the venue in a certain case pending and undetermined in the Vigo circuit court, have, according to order, had the same under consideration, and have directed me to report a bill pursuant to the prayer of the petitioner, which is herewith submitted, entitled a bill to authorize the Vigo circuit court to change the venue, in a certain case therein named;

Which was read and ordered to a second reading to-morrow.

Mr. Logan having obtained leave, introduced the following resolution:

Resolved, That the committee on Education be instructed to draft and report a bill for the sale and conveyance of the lands contemplated by an act of Congress, entitled an act to authorize the Legislature of the state of Indiana, to sell and convey certain lands granted to said state, for the use of the people thereof, approved July 3d, 1832.

Mr. Ewing moved to amend the same so as to inquire into the expediency of reporting a bill on that subject,

Which was carried in the affirmative.

The resolution thus amended, was adopted.

And the Senate adjourned.

THURSDAY, DECEMBER 13th, 1832.

The Senate assembled.

Mr. Fletcher presented the petition of William Warren and others, praying certain relief for the misfortunes of the petitioner;

Which was read, and

On motion of the same gentleman, referred to the committee on military affairs.

Mr. Hendricks, from the road committee, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred a petition praying the repeal of an act entitled an act to locate a state road from New Albany to Lexington, approved February 2, 1832, have had the same under consideration and directed me to report a bill in accordance with the prayer of the petitioners, entitled, a bill to repeal an act entitled an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832.

Which was read and passed to a second reading.

Mr. Hendricks from the same committee, also reported, that in conformity with a resolution referred to the road committee, inquiring into the expediency of further legislating on the subject of preventing useless and expensive legislation on the subject of state roads; the subject referred had been examined, and that he was directed to report to the Senate that further legislation on said subject was, at this time, inexpedient.

Mr. Herod moved to recommit said report to a select committee, with instructions to report a bill repealing the 5th section of the act in question.

On motion of Mr. Pennington, the said report and proposed amendment were laid on the table.

Mr. Pennington, from the committee on claims, to which had been referred a resolution of the Senate, inquiring into the expediency of making an allowance to Benjamin Rogers of Monroe county, for services during the past year, rendered to the state as superintendent of Jackson's lick in said county, as per his account rendered, have had the same under consideration, and recommend that said Rogers be allowed \$26 50, in the bill making specific appropriations of the present session, and ask to be discharged from the further consideration of the subject, and

On motion, the report was concurred in and the committee discharged.

The same gentlemen also reported an allowance in favor of Frederick Moser, for the value of certain wolves scalps, by him taken, of \$2 50, to be inserted in the specific appropriation bill as aforesaid;

Which report was concurred in and the committee of claims discharged.

On motion of Mr. Logan, the said reports were laid on the table, for the purpose of awaiting the specific appropriation bill.

On motion of Mr. Pennington, the following resolution was adopted:

Resolved, That the committee on the judiciary, inquire into the expediency of changing the mode of doing county business, so as to abolish the board of county commissioners, and transfer the power vested in said board to the justices of the peace, in their respective counties, with leave to report by bill or otherwise.

On motion of Mr. Herod, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the 13th section of the act regulating the practice in suits of law, as provides for requiring resident plaintiffs to give security for costs.

Mr. Lemon submitted for adoption the following resolution, viz:

Resolved, That the judiciary committee inquire into the expediency of amending the act entitled an act to license and regulate taverns and groceries, approved Feb. 3, 1832, by repealing all that part of the 2d section, from the word "that," in the first line, to the word "such," in the 12th line, and also of giving the board doing county business, discretionary power to take into consideration, the situation, together with the amount of capital stock to be employed by the applicant in groceries, and levy a tax accordingly, of not more than ten or less than three dollars.

Mr. Herod moved to amend said resolution by changing the reference to the committee of ways and means;

Which was adopted.

And on the question of adopting said resolution,

It was decided in the negative.

Mr. Givens submitted for consideration, the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the act subjecting real and personal estate to execution, so as to exempt the tools of mechanics, to an amount not exceeding fifty dollars in value, with leave to report by bill or otherwise.

Mr. Clark moved to amend the same, by inserting, after the word mechanics, "and the books of lawyers;"

Which motion did not prevail.

And on the question, shall the said resolution be adopted?

It was decided in the negative.

Mr. Ewing, on leave granted, made the following report:

The committee on canals and internal improvements, to whom was referred so much of the Governor's message as relates to the Wabash and Erie Canal, have had the same under consideration, and ask leave to report in part, "A joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio," so as to procure from him a special message to the Legislature of that state now in session at Columbus, in order that all contingencies may be provided for, to secure an extension of the important undertaking.

Your committee, in recommending the adoption of this resolution, will not impose upon themselves, the labor of a detailed exposition, to prove that there is not in good faith, the slightest room to doubt a final completion of the glorious design. Let it here suffice, therefore, to say, that Ohio will have a stimulent, as great in one point of view as Indiana, to advance the work, and the reflections of your committee, induce a full expression of confidence in the wisdom of that enterprizing and patriotic state, not to compromise the benefits she has every reason to anticipate from its accomplishment.

The joint resolution requesting the Governor to communicate with the Governor of Ohio above reported, was read twice by consent, and ordered to be engrossed for a third reading to-morrow.

Mr. Whitcomb submitted for consideration, the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for a special officer of the Supreme Court of this state, whose duty it shall be to execute all process emanating from the same, with leave to report by bill or otherwise;

And on the question, shall said resolution be adopted,

It was decided in the negative.

On motion of Mr. Beard, the vote negating said resolution was reconsidered;

And the question recurring, shall the same be adopted?

It was carried in the affirmative, and said resolution adopted.

Mr. McCarty submitted for consideration, the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing the act to prohibit the circulation of bank notes of a denomination less than five dollars.

Mr. Long moved to amend said resolution by transferring the reference to the committee raised to take into consideration the expediency of establishing a state bank;

Which amendment was accepted by the mover.

Mr. Hillis moved that said resolution lie on the table;

Which motion did not prevail,

And on the question of its adoption,

It was carried in the affirmative.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate, the following communication from the Commissioners of the Wabash and Erie Canal.

To the General Assembly of the State of Indiana:

In the discharge of their duties as prescribed by law, the board of Canal Commissioners, have the honor to report, that on the 22d day of February last, a commencement of the Wabash and Erie Canal was made; and a contract concluded with William Rockhill, on the first of March following, for the construction of section No. 1, of the middle division.

Fifteen miles were let in June, and four miles including the dam across the St. Joseph's River, in the early part of November last. The contracts have been made with competent men, and taken for about the sum of five thousand dollars less than the estimate made for the same works, by Mr. Ridgway, the principal Engineer, and reported to the General Assembly, in 1830. The sections let in March and June, are to be completed by the 4th of July, 1834; and those in November, which embrace heavier works, by the 10th of October, the same year.

The amount of labour done on these contracts, has been inconsiderable, as will be seen by reference to the abstract of Mr. Williams, the Engineer, marked (A.) and herewith submitted. Those let in June, were to have been commenced by the first of August, and part were, but between the letting and that time,

The cholera commenced its ravages along the Lakes, and at Detroit, and as there is considerable intercourse between these places and Fort Wayne, fears were apprehended, that if a large force of men were collected in the summer months, the ordinary sickness consequent on their exposed situations, would be mistaken for the pestilence, disperse the hands, and be productive of injury to the service. The greater number of the Contractors also lived out of the State, and the time necessarily taken in returning to their homes, and then removing with their families to the vicinity of their work, and afterwards making the necessary buildings for their hands, procuring materials &c., consumed so great a portion of the season, that it left but little inducement to labourers, to come from a distance and engage for the short time which would elapse before the cold weather would set in, and prevent their employ. These contracts are for light work, and with the preparatory arrangements now made, can easily be finished within the time specified for their completion.

It affords great pleasure in being able to state, that the alarm on the account of sickness, was groundless, and that the hands on the line, as well as the inhabitants in that section of country have been unusually healthy, during the past season, and enjoyed almost an entire exemption from disease of every kind.

An engagement was made with Jesse L. Williams, esq. of Ohio, on the 18th of June last, to take charge of the superintendence of the Canal, in Indiana, as principal Engineer, for a salary of \$1,800 per annum, his engagements to last three years, and be continued as much longer as the service may require for the same compensation. Since his acceptance of the employment he has been actively engaged in the duties he has undertaken, and from the practical knowledge he has had in the construction of the Ohio Canals, the creditable manner in which the important and extensive works were completed, which had been under his superintendence, with his character for sound judgment and business habits, affords the best assurance, that his acceptance of the engagement, will be a valuable acquisition to the State.

In the small progress made, it is found that the detention of one half of the pay for work done, operates with some severity on the contractors, and it is believed, may be lessened in rate, without diminishing the necessary security for the State. The sections let, when completed, will cost from \$1,500, to \$14,000, each, and when so large a portion as one half is retained, it prevents industrious individuals, who may be without capital, from becoming contractors, and limits competition to the wealthy; much expense is necessarily incurred, in the commencement of a job, in building cabins for hands, procuring provisions, cost of tools &c., for which no pay can be derived, except from the profits on the work. These expenses are so considerable, that they

form, of themselves, a tolerable security against the abandonment of contracts, unless taken at such low rates as to prove very unprofitable. At every stage of the work, the labour and materials have to be paid for, in cash, and when the jobs are nearly finished, large sums will be due; much greater than the amount necessary to complete them. In such cases 5 or \$6,000 might be due from the State, and the Contractor unable to procure money, to pay hands, be compelled to abandon the contract and lose what had been expended, when, if the half or third part of what was due had been paid, would have completed it at a profit. To withhold too large a portion of the pay of a Contractor, produces the opposite effect from that which it was intended to guard, and has a tendency to compel the abandonment of contracts, for the want of means to carry them on. A contract re-let, would be taken at a higher rate, which would influence the prices at other lettings, and produce a prejudicial effect. The true policy it is believed, would be to sustain the Contractor, by allowing as large a portion of his pay, as safety to the State, would permit. Money at this time commands a high rate of interest, and when advanced by an individual to carry on a public work, must greatly influence the prices for which they are undertaken. The discretion to pay within fifteen per cent. of the value of the labour actually performed, is respectfully suggested, as an amendment to the present law.

Thirteen miles of the Canal line on the middle division remain to be let, which were calculated to cost \$89,000 exclusive of the estimate of \$21,000 to cover the contingent expenses of the whole division.

The portion now under contract, when completed, will cost about \$117,000 which is near the sum received and accruing from the sales of the Canal lands, so that under the present provisions of the law, the remainder of this division, as it is too small to divide with advantage in letting, cannot be put under contract until sales shall be made, of the lands, to an amount which will be equal to the cost of constructing it. Two years time will be required to complete this part of the line, after it shall have been let—and it would be very desirable to have this done in May next, so that the connexion between the St. Josephs and Wabash rivers might be opened by the 10th of October, 1834, and the whole division finished at the same time. It would save nearly the cost of one year's expense of the Engineer department, and have a beneficial effect on the sales of the lands. The Canal funds, at the disposal of the State, are \$104,000, which will be increased in March next, by \$50,000 of the loan negotiated by the Fund Commissioners, as appears by their report. This, with the cash which will arise from the sales, will be sufficient to carry on the operations of the whole division, for eighteen months to come, in which time, it may be safely estimated, that the sales

of the Canal lands, will amount to a sufficient sum, to meet the whole cost of constructing this division of the Canal line. The propriety, therefore, of giving the necessary authority, to have this portion put under contract in the month of May next, is respectfully suggested.

During the last summer, the Canal lands were classed and rated agreeably to the provisions of the law, and tract books and maps exhibiting the classification of the land, and the rateable value of each tract, were made and deposited in the clerk's office, in the counties where the lands lie.

A public sale was held, in the first week of October, at Fort Wayne, at which, all the lands were offered to the highest bidder, and as soon as the sale closed, an office was opened, for the purchase of the lands at private entry, at the same place, under the superintendence of Samuel Lewis, who has charge of that department, by a resolution of the board.

From the first of October, to the 21st of November, there has been sold, including public and private sales, 15,758.87 acres, for the sum of \$47,961.33 on which was paid \$13,152.99 and \$2,988.56 for interest one year, in advance, on \$34,808.34, which is the residue of the purchase money, payable to the State, the sale being at an average price of near \$3.05 per acre.

The receipts and payments of the board, since the last annual report have been—

RECEIPTS.

By cash reported in D. Burr's hands, Dec. 17th, 1831,	\$219 87	
By cash reported in S. Lewis' hands, Dec, 17th, 1831,	118 51	
	<hr/>	\$338 38
By amount of lands sold in 1832 and interest thereon,		15,241 55
By cash on account of interest on lands sold in 1830,		2,566 22
By cash for payments in full,		1,049 71
By cash from Comr's of Canal Fund,		3,871 35
		<hr/>
		\$23,067 22

PAYMENTS.

To cash for pay of hands, stationary, classing lands, clerk hire at sale of lands, &c.	\$954 00
To cash for pay to Canal contractors,	2,094 00

To cash for salary to Engineer,	810 00	
To cash for salary to D. Burr,	564 00	
To cash for salary to Samuel Lewis,	584 00	
To cash for salary to J. Vigus,	414 00	
	<hr/>	\$5,420 09
To cash paid Com'rs of Canal Fund,		17,647 13
		<hr/>
		23,067 22

Which is respectfully submitted,

D. BURR,	}	Com'rs of the W. & E. C.
J. VIGUS,		
SAML. LEWIS,		

Indianapolis, Dec. 13th, 1832.

Abstract, shewing the progress which has been made in the construction of each section of the Wabash and Erie Canal under contract, together with the estimated value of labor performed, up to 23d November, 1832.

		Contractors names.		Cubic yards. Exca. done.	Cubic yards. Embk. done.	Estimated value of work done.
No. of Sec.	Length in chains.					\$
			ST. JOSEPHS FEEDER.			
Dam		Armitage and Creswell	not commenced			
2	39	Thompson, Brown & Brownell	not commenced			
3	39	Gerard & Daniels,	grubbing and clearing performed in part			65 00
4	42	William Wilson,	grubbing and clearing begun, no estimate made			
5	39	do.	grubbing and clearing partly done			48 00
6	42	do.	not commenced			
7	39	Suttonfield and M'Gillicuddy	grubbing and clearing half done, no estimate made			
8	30	David Archer,	grubbing and clearing nearly finished			161 00
9	39	M. S. Wines & brothers	not commenced			
10	51	Ward & Hanna	not commenced			
11	39	Henry Rudisill	not commenced			
12	57	Gerard & Daniels	grubbing & clearing nearly done, some materials two thirds of the labour performed	6,290	5,160	230 00 1,382 00
13	57	Edward Rockhill	grubbing and clearing half done			100 00
			MAIN LINE.			
1	39	William Rockhill	commenced but no estimate made			
2	42	William Rockhill	not commenced			

3	39	William Burk	-	grubbing and clearing nearly finished	-	175 00
4	39	do.	-	grubbing and clearing nearly done	-	180 00
5	39	do.	-	grubbing and clearing nearly done	-	181 00
6	42	Hunt, Bayless & Sumner	-	" and clearing nearly done, exca. commenced	730	399 00
7	39	do.	-	grubbing and clearing performed in part	500	130 00
8	39	William N. Hood	-	commenced, no estimate made	-	-
9	81	Jacob Barcus	-	grubbing and clearing partly done,	-	132 00
10	39	do.	-	grubbing and clearing completed	-	140 00
11	42	do.	-	grubbing and clearing done, exca. commenced	940	241 00
12	39	do.	-	grub. and clearing nearly done, exca. commenced	270	136 00
13	39	Bayless & Burk	-	grub. and clearing nearly done, exca. commenced	550	203 00
14	42	do.	-	grubbing and clearing performed in part	-	215 00
15	39	do.	-	not commenced	-	-
16	39	do.	-	not commenced	-	-
17	40	Murray & Vermilya	-	not commenced	-	-
18	39	do.	-	not commenced	-	-
19	42	do.	-	grubbing and clearing begun, no estimate made	-	-
20	39	do.	-	grubbing and clearing partly done,	-	-
21	39	Coady & Murphey	-	commenced, no estimate made	-	-
22	39	do.	-	not commenced	-	-
23	42	Jonathan Peacock, & Co.	-	not commenced	-	-
24	39	M'Maken & Cook	-	not commenced	-	-
25	39	do.	-	commenced, no estimate made	-	-
1549						8,780 5,000 4,123 00

Fort Wayne, Nov. 22, 1832.

J. L. WILLIAMS, Principal Engineer.

On motion of Mr. Orr, said communication was referred to the committee on canals and internal improvements and 500 copies of the same were ordered to be printed.

On motion of Mr. Dumont, the following resolution was adopted:

Resolved, That the judiciary committee take into consideration the expediency of providing for the punishment of libellers, in conformity with the 10th section of the first article of the constitution of this state.

The Senate proceeded to the consideration of the orders of the day.

A bill to authorize the Vigo circuit court to change the venue in a certain case therein named, was read a second time, and

On motion of Mr. Farrington, laid on the table.

An engrossed bill from the House of Representatives, entitled an act authorizing the Washington circuit court to hold a special session,

Was read a second time, and

On motion of Mr. Logan, laid in the table.

The President laid before the Senate a communication from the Adjutant General, on the subject of the militia of the state of Indiana, which, having been read, was;

On motion of Mr. Lemon, referred to the committee on military affairs.

And on motion,

-The Senate adjourned.

FRIDAY, DECEMBER 14, 1832.

The Senate assembled.

Mr. Farrington presented the petition of John F. Cruft and others, praying a dissolution of the incorporation of the town of Terre Haute;

Which was read, and

On motion of the same gentleman, was referred to the judiciary committee.

Mr. Chambers presented the petition of the Fredericksburgh bridge company, praying certain relief;

Which was read, and

On motion of Mr. Chambers, referred to the standing committee on roads.

Mr. Feeny presented the petition of Wm. T. Noel and others, officers of Parke county, praying legislative relief, in consequence of the destruction by fire, of the records of said county;

Which was read, and

On motion of Mr. Feeny, referred to the judiciary committee.

Mr. Fletcher, from the standing committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, requesting an inquiry into the expediency of defining by law, the circumstances of guilt or participation, which shall excuse individuals from testifying on the trials or indictments for gaming: and also to which was referred a resolution, instructing the same committee to inquire into the propriety of extending the provisions of the 9th section of an act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10th, 1831, to defendants in criminal prosecutions in the circuit court, have considered the subjects presented in both resolutions, and have directed me to report a bill, herewith submitted, entitled, a bill to amend the act entitled an act relative to crime add punishment, approved Feb. 10th, 1831;

Which was read and ordered to a second reading to-morrow.

Mr. Fletcher, from the same committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing an inquiry into the propriety of repealing the existing law relative to prison bounds, and substituting the limits of the county in which the debtor is imprisoned, have had the same under consideration, and a majority of the committee have agreed that the repealing of the present law and substituting the enactment proposed in the resolution, are inexpedient at this time, and have directed me to report accordingly;

Which was read, and

On motion of Mr. Pennington, ordered to lie on the table.

Mr. Ewing, from the committee on canals and internal improvements, made the following report:

The committee on canals and internal improvements, instructed by resolution, to report a prayer on behalf of this General Assembly, to the Congress of the United States, for appropriations

sufficient to defray the expense of improving a harbor at the mouth of Des Chemins, on Lake Michigan, and the erection of a Light house in that vicinity, have instructed me to report the annexed joint resolution, entitled a joint resolution to procure appropriations to construct a harbor and to erect a Light house, at the mouth of Des Chemins, on Lake Michigan;

Which was read and ordered to a second reading to-morrow.

Mr. Herod moved to take up the report of the chairman of the committee on roads, relative to an inquiry into the expediency of preventing useless and expensive legislation, on the subject of state roads;

Which motion was carried in the affirmative.

The question then recurring, on the motion made by Mr. Herod on yesterday, to recommit said report to a select committee, with instructions to report a bill to repeal the 5th section of the law in question, it was decided in the negative.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Whitcomb submitted for adoption, the following resolution:

Resolved, That the committee on military affairs, be instructed to inquire what amendments are necessary, if any, are required, in relation to so much of the act entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831, as relates to the compensation of regimental staff officers, with leave to report by bill or otherwise.

Which was read, and on the question, shall the same be adopted, it was decided in the negative.

On motion of Mr. Beard, the following resolution was adopted:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the school laws, so as to allow persons who are separated from their school houses by streams of water or other obstructions, to participate in the schools of an adjoining township, and that they be authorized to draw their dividend of the school fund, with leave to report by bill or otherwise.

Mr. Hendricks submitted for adoption, the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so altering the present law, as to extend the time of paying over the county revenue, to the first Monday of March, with leave to report by bill or otherwise.

And on the question, shall the same be adopted?

It was decided in the negative.

Mr. Dumont asked and obtained leave to introduce a bill for the better regulation of towns;

Which was read and passed to a second reading to-morrow.

Mr. Chambers asked and obtained leave to introduce a bill declaring Mill creek, in Owen county, a public highway;

Which was read and passed to a second reading to-morrow.

The Senate proceeded to the consideration of the orders of the day.

A bill to repeal an act entitled an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832, was read a second time, and

On motion of Mr. Logan, referred to a committee of the whole Senate, and made the order of the day for to-morrow.

An engrossed bill to amend an act entitled an act to appropriate part of the 3 per cent. fund and for other purposes, approved Feb. 10, 1832, was read a third time and passed.

An engrossed bill to amend the act entitled an act authorizing writs of domestic attachment and regulating the proceedings thereon, approved Jan. 19, 1831,

Was read a third time, and

On motion of Mr. Whitcomb, recommitted to the judiciary committee.

The memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers, and

A joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio,

Were severally read a third time and passed.

Mr. Fletcher moved that the title of the last named resolution be amended, by adding to the same, "relative to the extension of the Wabash and Erie Canal,"

Which amendment was admitted by consent.

And the Senate adjourned.

SATURDAY, DECEMBER 15th, 1832.

The Senate assembled.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing an inquiry into the expediency of reducing the number of jurors to six, in the trial of civil cases, where the sum in controversy does not exceed twenty dollars, have had the same under consideration, and have directed me to report a bill thereon, entitled, a bill to amend the act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

Which was read and ordered to a second reading on Monday next.

The following report was also made from the judiciary committee, by Mr. Fletcher:

The committee on the judiciary, to which was referred an engrossed bill to amend the act authorizing domestic attachments and regulating the proceedings thereon, approved January 19th 1831, have examined the same, and have directed me to report the bill back to the Senate with an amendment, as follows:

By adding to the bill, "or unless process shall have been served upon some garnishee therein residing, or found by the officer executing the same;"

Which amendment was concurred in by the Senate, and

On motion of Mr. Herod, the bill was considered as engrossed, and passed.

Mr. Dumont from the committee on the affairs of the town of Indianapolis, made the following report:

The committee on the affairs of the town of Indianapolis, to which was referred a resolution of the Senate, directing them to inquire into the expediency of enclosing the Governor's circle, and of examining into the situation of the Governor's house, and to ascertain what improvements should be made on the circle; and whether it would be expedient that his Excellency the Governor should occupy said house, have had the same under consideration and have directed me to report the following bill:

"A bill for repairing and furnishing the Governor's house on the circle;"

Which was read, and ordered to a second reading on Monday next.

Mr. Whitcomb offered the following resolution for the consideration of the Senate:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the act entitled, an act incorporating Congressional townships and providing for public schools therein," approved Feb. 10th, 1831, as to provide for further meetings of the inhabitants of Congressional townships, for the purpose of taking the sense of such meetings, as to the propriety of supporting schools therein, and the erection of school houses, with leave to report by bill or otherwise.

Mr. Hillis offered the following resolution:

Resolved, That the committee on the judiciary, be instructed to inquire whether any, and if any, what amendments are necessary to the act entitled, an act regulating the taking up of animals going estray, and water craft and other articles of value adrift, approved Feb. 9th, 1831, with leave to report by bill or otherwise.

Mr. Morgan offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn to Monday morning, 9 o'clock.

Which resolutions were severally adopted.

The Senate then proceeded to consider the orders of the day.

A bill for the better regulation of towns,

Was read a second time, and

On motion of Mr. Dumont, was referred to a committee of the whole Senate for Monday next.

A joint resolution to procure appropriations to construct a safe harbor, and to erect a Light house at the mouth of Des Chemins, on Lake Michigan,

Was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to amend the act entitled, an act relative to crime and punishment, approved Feb. 10th, 1831,

Was read a second time, and

Mr. Ewing moved to refer the same to a committee of the whole Senate for Monday next.

Mr. Beard moved to amend the motion to commit, so as to refer it to the same committee of the whole, to which was referred a bill for the better regulation of towns.

And the bill was so committed.

The President laid before the Senate the report of the Commissioner of the Michigan Road.

(See appendix A for it.)

On motion of Mr. Logan, said report was referred to the standing committee on roads, and

On motion of Mr. Morgan, 100 copies of the same was ordered to be printed.

A bill declaring Mill creek in Owen county, a public highway, Was read a second time, and

On motion of Mr. Whitcomb, referred to a committee of the whole for Monday next.

On motion of Mr. Logan, the Senate went into committee of the whole on a bill to repeal an act entitled, an act to locate a state road from New Albany, in Floyd county, to Lexington, in Scott county, approved Feb. 2d, 1832, and after spending some time therein, Mr. Blair reported the same without amendment.

The bill was then ordered to be engrossed for a third reading on Monday next,

And on motion,

The Senate adjourned.

MONDAY, DECEMBER 17th, 1832.

The Senate assembled.

The President laid before the Senate, the following report from the Agent of State for the town of Indianapolis:

AGENT'S OFFICE,
DECEMBER 17th, 1832. }

In obedience to an act approved Feb. 2d, 1832, supplementary to an act "to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state, into lots and offer the same for sale, the remainder of the Indianapolis donation belonging to the state, except those lots which had been reserved by law for special purposes and block forty-eight, was in May last, valued by the commissioners selected for that purpose, and offered for sale by the Agent, and disposed of, except forty in-lots, for \$14,596 75, one fourth of which has been paid, leaving a balance yet to be paid of

	\$10,947 56
40 in-lots at their valuation,	3,670 00
3d and 4th payment on lots sold, May, 1831,	10,484 00
Amount of Indianapolis fund in the Treasury.	21,672 11

\$16,773 67

Block 48, north of the State house square, at the request of the Commissioners, was reserved from sale, to await the determination of the Legislature, as to the propriety of adding it to said square.

It is thought that the forty remaining in-lots will, in the course of the ensuing year, all be disposed of at private sale.

The term for which the Ferry and Ferry house, were leased, will expire in March next. It will be a subject for the present Legislature to determine the manner in which they shall be disposed of thereafter.

All of which is respectfully submitted.

E. SHARPE, Agent.

On motion of Mr. Herod, said report was referred to the standing committee on the affairs of the town of Indianapolis.

The President communicated to the Senate the following report of the Agent of the 3 per cent. fund:

In obedience to an act approved January 22d, 1830, I make the following statement of Commissioners' reports.

No. of Road.	Names of Commissioners.	Drafts paid	Expended on Roads.	Commr's services.	Surveyor, chainmen & marker	Provisions expenses & postage hands.	Balances in comm's due com's	Balances
4	Anderson Cavett,	747 50	546 55	87 00	36 00	79 32		
7	Michael Buskirk,	623 00	478 19	88 00	58 30		1 49	
14	Gara Davis,	196 21	179 21	19 00			2 00	
27	George Ewing,	435 00	328 88	34 50	14 12	10 00	47 50	
33	Rezin Davis,	950 00	890 00	60 00				
35	Demas L. M'Farland,	490 00	296 70	94 25	54 35	8 70	36 00	1 26
36	Morgan Shortridge,	481 26	458 00	22 00				
36	Zenas Beckwith,	240 62	224 12	16 50				
36	James Scott,	378 12	354 81	21 00			2 31	
37	George Piercey,	780 00	706 81	69 00			4 19	
38	Joseph Hill,	275 00	258 77	17 50				1 27
40	Adam Shoemaker,	330 00	264 04	51 00			12 96	
44	John Denny,	1000 00	676 21	45 50	72 14		206 15	
46	Thomas Gillam,	200 00	88 12	28 00	47 75	17 30	18 83	
48	Thomas Cranor,	1000 00	693 02	71 00	96 62	94 08	45 28	
49	Daniel Heaton,	800 00	86 62	47 38	97 93	69 44	498 63	
50	John M'Cullough,	500 00	337 00	34 00	74 00		19 00	

51	Meredith Gosney,	750 00	449 25	86 50	20 00			94 25
52	William M'Creery,	1500 00	853 62	100 00	140 38	169 17		236 82
54	William Dickey,	100 00		24 00	26 00	6 19		43 81
	RIVERS.							
1	Samuel Cobb,	300 00	182 75	46 00		46 25		25 00
2	Joseph Baugh,	200 00	119 75	35 00		43 25		2 00
4	John Hackleman.	200 00	146 75	25 85		25 40		2 00

William M'Creery is entitled to a credit of \$150 paid over to William A. Hood, (see acts 1832, page 80,) leaving a balance in his hands of \$86 82.

Andrew Cavett has a credit in the column for provisions, &c. of \$79 32, which was paid on account of damages and postage.

A part of the Commissioners have failed to comply with the law requiring them to return the bonds and receipts with their reports to this office.

Respectfully submitted,

B. I. BLYTHE, Agent 3 per cent. fund.

December 14th, 1832.

On motion of Mr. Pennington, the same was referred to the standing committee on roads.

Mr. Givens, from the standing committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to which was referred a resolution of the Senate, instructing them to inquire into the propriety of repealing so much of the first section of the act providing for the election of President and Vice President of the United States, as requires the Sheriffs to advertise such election, have had the same under consideration, and have directed me to report the following bill, viz:

A bill to amend an act entitled, an act to provide for the election of electors of President and Vice President of the United States, approved Jan. 26, 1832;

Which was read and passed to a second reading to-morrow.

Mr. Hendricks, from the committee on roads, made the following report:

The committee on roads, to which was referred the annual report of the Agent of the 3 per cent. fund, together with a resolution of the Senate on the same subject, have, according to order, had the same under consideration, and have instructed me to report a bill to appropriate part of the 3 per cent. fund, and for other purposes;

Which was read and ordered to a second reading to-morrow.

Mr. Blair, from the select committee on Congressional districts reported as follows:

The committee to which was referred a resolution of the Senate, to provide for dividing the state into seven Congressional districts, have had the subject under consideration, and a majority of said committee, have instructed me to report a bill, herewith submitted, entitled, a bill to provide for dividing the state into seven Congressional districts;

Which was read and ordered to a second reading to-morrow.

Mr. Ewing submitted the following resolution for the consideration of the Senate:

Whereas, the act constituting a canal fund and fund commissioners, approved Jan. 9th, 1832, distinctly provided for a loan of \$200,000, to be drawn and expended in sums, at no period to exceed the amount due on sales of canal lands, and to be subject to interest only, as it might be so drawn, to meet the requisitions of

the canal commissioners, and its enactments distinctly required a full and minute account of said fund, therefore

Resolved, That the fund commissioners of the Wabash and Erie canal, be directed to furnish to the Senate, with as little delay as possible, a copy of any contract entered into, on behalf of this state, with J. D. Beers, & Co. of New York, if the same be in writing; also a statement of the precise amount of the canal fund now on deposit in the Merchants' Bank of New York; also a statement shewing what portion of the loan, negotiated with said J. D. Beers, & Co. must be received, subject to six per cent. interest, before it be actually required to satisfy the contracts and requisitions of the commissioners; also a statement shewing the sums of money belonging to the canal fund, which have been loaned, to whom and when loaned, the names of the securities, and upon what time and terms such loans have been made, and our Secretary is instructed to transmit a copy of this resolution, to the resident commissioner in this town.

Which was read and adopted.

Mr. Lemon offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing the act, entitled, an act to provide a fund to encourage common schools, approved Feb. 2, 1832, and also to revive so much of the revenue act of 1831, as the above named act repealed, and report by bill or otherwise.

Mr. Farrington moved to amend the same by inserting, after the words 'expediency of,' the words 'amending or;'

Which was accepted by the mover.

Mr. Beard moved further to amend said resolution, by referring it to the judiciary committee, instead of the committee of ways and means;

Which amendment was consented to, and the resolution adopted.

Mr. Ewing offered the following resolution, which was adopted, viz:

Resolved, That the Agent of the 3 per cent. fund, be and he is hereby directed to examine and report if any part of the portion of said fund, accruing to certain counties, under an appropriation made in 1824 and set apart to improve the Wabash river, was used or drawn out of his hands for any different object, previous to his paying the same to the canal fund commissioners, or if the sum paid to said commissioners, embraced the entire amount arising from the original appropriation, together with an after specific appropriation, made to effect the same object; also if any allowance was made and paid over, for the use of the money, or any part thereof.

Mr. Frisbie offered the following resolution:

Resolved, That the standing committee on the judiciary, be instructed to inquire into the expediency of so amending the probate law, as to vest in the probate courts, the assignment of the dower of widows, with leave to report by bill or otherwise.

Which was adopted.

Mr. Whitcomb offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving justices of the peace, jurisdiction in cases of foreign attachment, where real estate is not attached and the amount in controversy does not exceed one hundred dollars, with leave to report by bill or otherwise.

Which was adopted.

Mr. Chambers introduced the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to take into consideration, the propriety of reducing the number of canal commissioners, and revising the enactments in relation to their duties, with leave to report by bill or otherwise;

Which was read and adopted.

On motion of Mr. Hanna, the following resolution was adopted:

Resolved, That the committee on roads be instructed to inquire into the expediency of appointing a commissioner to lay out and expend the amount of money heretofore appropriated out of the 3 per cent. fund, for the counties of Huntington and Wabash, to the improvement of the state roads in said counties, with leave to report by bill or otherwise.

On motion of Mr. McCarty, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the act to regulate marriages, approved Feb. 4th, 1831, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Morgan, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing the circuit court of Rush county, to sit twelve days at each term if business requires it.

The Senate proceeded to the consideration of the orders of the day.

A bill for repairing and furnishing the Governor's house on the circle,

Was read a second time, and

On motion of Mr. Pennington, referred to the committee of the whole Senate and made the order of the day for to-morrow.

A bill to amend the act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1832,

Was read the second time, and

On motion of the same gentleman, referred to the committee of the whole Senate and made the order of the day for to-morrow.

An engrossed bill to repeal an act entitled, an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832,

Was read a third time, and

On the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Farrington, Feeny, Fletcher, Givens, Hanna, Hendricks, Hillis, Lemon, Leviston, Logan, Long, M'Carty, Pennington Pollock, Robb, Wallace and Whitcomb—17.

Those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Frisbie, Graham, Herod, Hoover, Jessup and Morgan—12.

So said bill passed.

Ordered, That the House of Representatives be informed of its passage and their concurrence requested.

An engrossed joint resolution, to procure appropriations to construct a safe harbor and to erect a light house at the mouth of Des Chemins, on Lake Michigan,

Was read a third time and passed.

On motion of Mr. Whitcomb, the Senate went into a committee of the whole, for the purpose of considering the bills for the better regulation of towns, and to amend the act relative to crime and punishment, and after some time occupied in the consideration of said bills, the committee rose and Mr. Chambers, their chairman, reported progress and asked leave to sit again,

Which was granted,

And the Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Logan, the Senate went into committee of

the whole and resumed the consideration of the two bills under deliberation this morning, and after a short time, Mr. Chambers reported the bill for the better regulation of towns, with an amendment, which was by striking it out from the enacting clause, and the bill amending the act relative to crime and punishment, also with an amendment.

On motion, the question of concurrence in said amendments was taken separately, and

On the question, will the Senate concur in the first amendment?

It was carried in the affirmative.

And before the question of concurrence in the second amendment was taken,

On motion of Mr. Pennington, the said bill and proposed amendment were laid on the table.

On motion of Mr. Chambers, the Senate went into a committee of the whole, for the purpose of taking into consideration a bill declaring Mill creek in Owen county, a public highway, and after some time occupied in the consideration of the same, the committee rose, and Mr. Ewing their chairman, reported the said bill without amendment, and

On motion of Mr. Whitcomb, said bill was laid on the table.

And on motion,

The Senate adjourned.

TUESDAY, DECEMBER 18, 1832.

The Senate assembled.

Mr. Pennington moved to reconsider the vote taken on yesterday, on the passage of an engrossed bill to repeal an act entitled an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832;

Which motion prevailed, and

On motion of the same gentleman, said bill was laid on the table.

Mr. Hoover presented the petition of N. Howell and others, praying the location of a certain state road in Wayne county;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Beard presented the petition of Francis Miller and others, citizens of the counties of Montgomery, Hendricks and Boon, praying an appropriation from the 3 per cent. fund, for the improvement of the state road from Indianapolis to Crawfordsville;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Fletcher, from the judiciary committee, to which was referred a resolution of the Senate, directing an inquiry into the propriety of forming another judicial circuit, embracing the counties of Laporte, St. Joseph, Elkhart, Lagrange and such other counties as might be deemed expedient, now reported that the committee had considered the subject referred, and ordered him to report a bill to amend the act entitled an act dividing the state into judicial circuits, and fixing the times of holding courts therein and for other purposes, approved Feb. 10, 1831;

Which was read and passed to a second reading for to-morrow.

Mr. Fletcher, from the same committee to which had been referred a resolution directing an inquiry into the expediency of repealing so much of the 13th section of the act regulating the practice in suits at law, as provides for holding resident plaintiffs to security for costs, in consequence of supposed insolvency, now reported as the result of the deliberations of said committee, a bill to amend the act entitled an act regulating the practice in suits of law, approved Jan. 29, 1831;

Which was read and passed to a second reading to-morrow.

Mr. Farrington, from the same committee to which had been referred the petition of John F. Cruft and others, citizens of the town of Terre Haute, praying a dissolution of the incorporation of said town, now reported in pursuance of the prayer of said petitioners, a bill to dissolve the incorporation of the town of Terre Haute;

Which was read and passed to a second reading on to-morrow.

Mr. Ewing, from the select committee to which had been referred a resolution in relation to Asylums for the poor, now reported that the establishment of Asylums in each county, devolves upon the several boards doing county business, at their discretion, under an act approved Feb. 10, 1831, entitled an act for the relief of the poor, and that said committee, approving of said enactments, so far as they extend, for the purpose of making the system uniform, have directed him to report a bill supplemental to an act for the relief of the poor, approved Feb. 10, 1831;

Which was read and passed to a second reading on to-morrow.

Mr. Hillis, from the select committee, to which was referred a resolution of the Senate, directing an inquiry, if any and what amendments were necessary to the act entitled an act to provide for the inspection of salt, beef and flour, now reported as the result of their deliberations, a bill for the inspection of certain articles therein enumerated;

Which was read and passed to a second reading on to-morrow.

Mr. Dumont offered the following resolution, which was read and adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act regulating the practice in suits at law, as that the party, his agent or attorney, on whose oath an application is made for a continuance, may be cross examined in open court; and also, the propriety of admitting counter oral evidence, to repel such application for a continuance.

On motion of Mr. Farrington,

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing the circuit court of Clay county, to sit six days at each term, if the business requires, with leave to report by bill or otherwise.

Mr. Robb offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire whether any, and if any, what further provisions are requisite, to insure a more prompt settlement of, and a more certain accountability for, the estates of persons dying intestate, without any known heirs, and that they report by bill or otherwise;

Which was adopted.

On motion of Mr. Graham,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for subjecting the rights, credits, monies and effects of debtors, to satisfy the just demands of their creditors, with leave to report by bill or otherwise.

On motion of Mr. Jessup,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the act regulating the empannelling of grand and petit jurors, so as to leave it discretionary with the board doing county business, to select twelve petit jurors only, for each term of the circuit court, in counties where the term does not exceed one week.

On motion of Mr. Feeny,

Resolved, That the committee on roads inquire into the expediency of locating a state road, commencing at the centre of the

street, east of the town of Montezuma, thence on a direction to intersect a road running on a line dividing the farms of Hill and Wilson, and to report by bill or otherwise.

The Senate then proceeded to consider the orders of the day.

A bill to appropriate part of the 3 per cent. fund, and for other purposes,

Was read a second time, and

On motion of Mr. Pennington, referred to committee of the whole Senate and made the order of the day for to-morrow.

A bill to amend an act entitled, an act to provide for the election of President and Vice President of the United States, approved Jan. 26, 1832,

Was read a second time.

Mr. Graham moved that the further consideration of said bill be indefinitely postponed.

On motion of Mr. Givens, the said bill was laid on the table.

A bill to provide for dividing the state into Congressional districts,

Was read a second time.

Mr. Hillis moved to refer said bill to a committee of the whole Senate and make the same the order of the day for to-morrow.

Mr. Lemon moved to lay said bill on the table.

Which motion did not prevail.

Mr. Morgan called for a division of the question,

And on the question, shall said bill be referred to a committee of the whole Senate?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Logan, Long, McCarty, Morgan, Pennington and Robb—23.

And those who voted in the negative, are

Messrs. Frisbie, Givens, Lemon, Pollock, Wallace and Whitcomb—6.

So said bill was referred.

Mr. Whitcomb moved that said bill be made the order of this day.

Which motion prevailed.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Whitcomb, the Senate went into a committee of the whole, for the purpose of taking into consideration the bill dividing the state into Congressional districts, when after some time occupied in the consideration of the same, the committee rose and Mr. Dumont, their chairman, reported the same to the Senate without amendment.

Mr. Pennington moved to lay said bill on the table;
Which motion did not prevail.

Mr. Hillis moved to recommit said bill to a select committee,
to consist of seven members,
And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Ewing, Feeny, Hanna, Hillis, Levis-
ton, Logan, M'Carty and Robb—10.

And those who voted in the negative, are

Messrs. Beard, Blair, Dumont, Farrington, Fletcher, Frisbie,
Givens, Graham, Hendricks, Herod, Hoover Jessup, Lemon, Long,
Morgan, Pennington, Pollock, Wallace and Whitcomb—19.

So said bill was not recommitted.

On motion of Mr. Graham, the bill was laid on the table.

And on motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 19th, 1832.

The Senate assembled.

The President laid before the Senate the report of Nicholas
S 13

M'Carty, responding to the resolution of the Senate of the 17th inst.

(See appendix B for it.)

On motion of Mr. Ewing, the said report was referred to the committee of canals and internal improvements.

Mr. Fletcher from the judiciary committee, to which had been referred a resolution, directing an inquiry into the expediency of making some provision by law, to punish persons rendering assistance to prisoners in escaping from legal custody, now reported as the result of their deliberations, a bill to amend the act relative to crime and punishment, approved Feb. 10, 1831;

Which was read and passed to a second reading to-morrow.

Mr. Fletcher, from the same committee to which had been referred a resolution of the Senate on the subject, now made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing an inquiry into the expediency of changing the mode of doing county business, by abolishing the board of commissioners and substituting in their place a board of justices of the peace in the respective counties, have considered the subject presented in the resolution, and a majority of said committee, have directed me to report, that they view so important a change in the mode of doing county business, as proposed, is inexpedient at this time, and therefore ask to be discharged from further consideration of the resolution.

Mr. Whitcomb moved that said report lie on the table;

Which motion did not prevail, and

On motion, the said committee were discharged from the further consideration of the subject.

The President laid before the Senate, the following communication from the Agent of the 3 per cent. fund:

AGENT'S OFFICE,
Indianapolis, December 18, 1832. }

TO THE HON. THE PRESIDENT OF THE SENATE:

Sir:—Please lay the following communication before the Senate.
Respectfully,

B. I. BLYTHE.

To the Hon. the Senate:

In obedience to your resolution of yesterday, requesting

information relative to the Wabash Fund, I have to say that Christopher Harrison, former Agent, paid \$147 31-100, to the order of John I. Neely, President of the Board of Commissioners, on the road leading from Evansville to Terre Haute, on account of damages obtained by individuals in Sullivan county; also \$187 11-100 refunded to road No. 11, (See acts 1825, page 5.) Since I have been Agent, no part of said fund has been used, appropriated or drawn out of my hands, for any different object. In July last, I paid the whole of the original appropriation, together with a specific one, made by the Legislature in 1828, over the Canal Fund Commissioners. No allowance was made for the use of the money or for any part of it.

Respectfully,

B. I. BLYTHE, Agent 3 per cent. fund..

On motion of Mr. Fletcher, said communication was referred to the committee on canals and internal improvements.

Mr. Pennington, on leave granted, introduced a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

Which was read and passed to a second reading for to-morrow.

Mr. Chambers, on leave granted, introduced the petition of Hays, McCallen and others, praying a modification of the charter, relative to the Frederickburgh bridge company and the grant of a free bridge;

Which was read, and

On motion of the same gentleman, referred to the standing committee on roads.

Mr. Whitcomb, on leave granted, presented a petition from David H. Maxwell and other citizens of Monroe county, praying the establishment of a state bank;

Which was read, and

On motion of the same gentleman, referred to the same select committee, to which that part of the Governor's message relative to a state bank, was referred.

The Senate proceeded to the consideration of the orders of the day.

A bill for the inspection of certain articles therein enumerated, Was read the second time, and

On motion of Mr. Whitcomb, referred to a committee of the whole Senate and made the order of the day for to-morrow.

A bill supplemental to an act entitled an act for the relief of the poor, approved Feb. 10, 1831;

Was read a second time, and

On motion of Mr. Whitcomb, referred to a committee of the whole Senate and made the order of the day for to-morrow.

A bill to amend the act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831,

Was read a second time, and

On motion of Mr. Fletcher, referred to a committee of the whole for to-morrow.

A bill to amend the act entitled an act dividing the state into judicial circuits and fixing the times of holding courts therein and for other purposes, approved Feb. 10, 1831,

Was read a second time and referred,

On motion of Mr. Clark, to a committee of the whole for to-morrow.

The Senate, according to order, went into committee for the purpose of considering a bill to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 3, 1832, and after some time occupied in the consideration of the same, the committee rose, and Mr. Farrington their chairman, reported said bill with an amendment;

Which was concurred in, and the bill thus amended, ordered to be engrossed for a third reading.

On motion of Mr. Dumont, the Senate went into committee for the purpose of considering a bill for repairing and furnishing the Governor's house on the circle, and after some time occupied in the consideration of the same, the committee rose, and Mr. Feeny, their chairman, reported progress and asked leave to sit again.

And on the question, shall leave be granted?

It was decided in the negative.

On motion of Mr. Graham, the further consideration of the said bill, was indefinitely postponed.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives.

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That this House will proceed on this day, at half past 2 o'clock, P. M. the Senate concurring therein, to the election of Canal Commissioners, and that the Senate be informed thereof, and that seats will be provided for them on the right of the Speaker's chair.

Mr. Reid is appointed teller on the part of the House.

On motion of Mr. Ewing, said message was laid on the table.

On motion of Mr. Blair, the bill dividing the state into seven Congressional districts,

Was taken from the table.

Mr. Lemon moved to amend said bill, by striking out 'Jennings' from the 3d section of the bill, and attaching it to the 4th section.

Mr. Hillis called for a division of the question,

And on the question, shall the word 'Jennings' be stricken out of the 3d section?

It was decided in the negative.

Mr. Hanna moved to amend said bill by adding Elkhart to the 5th district;

Which motion was decided in the negative.

Mr. Clark moved to amend the bill by taking Cass, Miami and Wabash from the 6th section, and adding them to the 7th section of the bill;

Which motion did not prevail.

Mr. Robb moved to amend said bill by striking the same out from the enacting clause, and in lieu insert the following:

That the election of seven Representatives, to the twenty-third Congress of the United States, shall be holden on the first Monday of August, one thousand eight hundred and thirty-three, and biennially thereafter, to each succeeding Congress, for such number of Representatives as the state may become entitled to elect.

Sec. 2. That the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Gibson, Pike, Dubois, Orange, Knox, Davies and Martin, shall compose the first Congressional district of the state of Indiana, and the inhabitants within the same, shall be entitled to elect one Representative in the Congress of the United States.

Sec. 3. That the counties of Crawford, Harrison, Floyd, Clark, Scott, Washington and Jackson, shall compose the second Congressional district, and shall be entitled to one Representative in the Congress of the United States.

Sec. 4. That the counties of Jefferson, Switzerland, Dearborn,

Ripley, Jennings, Decatur and Rush, shall compose the third Congressional district, and shall be entitled to one Representative in the Congress of the United States.

Sec. 5. That the counties of Bartholomew, Shelby, Johnson, Hancock, Marion, Hendricks, Boon, Hamilton, Madison, Cass, Miama, Wabash, Clinton and Henry, shall compose the fourth Congressional district, and shall be entitled to one Representative in the Congress of the United States.

Sec. 6. That the counties of Franklin, Union, Fayette, Wayne, Randolph, and Grant, shall compose the fifth Congressional district, and shall be entitled to one Representative in the Congress of the United States.

Sec. 7. That the counties of Vermilion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Carroll, Elkhart, St. Joseph, La-porte, Allen, Huntington and Lagrange, shall compose the sixth Congressional district, and shall be entitled to one Representative in the Congress of the United States.

Sec. 8. That the counties of Sullivan, Green, Lawrence, Owen, Clay, Putnam, Monroe, Vigo and Morgan, shall compose the 7th Congressional district, and shall be entitled to one Representative in the Congress of the United State.

Mr. Whitcomb called for a division of the question.

Mr. Ewing moved to amend the original bill, by substituting the county of Parke, for the county of Lawrence, in the first Congressional district;

Which motion did not prevail.

Mr. Hillis moved to strike out the third section of the original bill.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Ewing, Hanna, Hillis, Leviston, Logan and Robb—7.

Those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Long, M'Carty, Morgan, Orr, Pennington Pollock, Wallace and Whitcomb—23.

So said section was not stricken out.

Mr. Hillis then moved to strike out the 4th section of the original bill, and in lieu, insert the following:

"The counties of Franklin, Dearborn, Ripley, Decatur, Switzerland, Jefferson and Jennings, shall form the Congressional district, and shall be entitled to one Representative in the Congress of the United States."

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Ewing, Hanna, Hillis, Leviston, Logan, and Robb—7.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Long, M'Carty, Morgan, Orr, Pennington Pollock, Wallace and Whitcomb—23.

So said amendment was not adopted.

The question recurring, shall the bill be stricken out from the enacting clause.

It was decided in the negative.

Mr. Robb then moved to recommit said bill to a select committee, with instructions so to amend it, that the Congressional districts shall be formed as compact and as near square as circumstances will permit, taking into consideration such additional amount of emigration, to the newly settled counties of the state, as may fairly be anticipated.

And on the question of so recommitting said bill,

Those who voted in the affirmative, are

Messrs. Chambers, Ewing, Feeny, Hanna, Hillis, Leviston, Logan, M'Carty and Robb—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Long, Morgan, Orr, Pennington, Pollock and Wallace—20.

So said bill was not recommitted.

Mr. Chambers moved to strike out the original bill from the enacting clause, and in lieu thereof, insert the following:

That there shall be and hereby is organized in this state, 7 Congressional districts. The first district to be composed of the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Orange, Gibson, Pike and Dubois.

The second district to be composed of the counties of Knox, Daviess, Martin, Lawrence, Owen, Green, Sullivan, Vigo, Clay and Putnam.

The third district to be composed of the counties of Washington, Floyd, Clark, Scott, Jackson, Jennings and Jefferson.

The fourth district to be composed of the counties of Decatur, Franklin, Ripley, Switzerland, Dearborn and Rush.

The fifth district to be composed of the counties of Union, Fayette, Wayne, Randolph, Henry, Delaware, Allen, Grant, Huntington and Lagrange.

The sixth district to be composed of the counties of Bartholomew, Johnson, Shelby, Hancock, Hamilton, Marion, Morgan, Boone, Hendricks, Monroe, Madison, Cass, Miami and Wabash.

The seventh district to be composed of the counties of Vermilion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, St. Josephs, Elkhart and Laporte.

To be elected by the qualified voters of the state, on the first Monday of August next, as general elections are by law conducted: *Provided*, however, That the ticket of each voter, shall designate the resident candidate, within each district voted for, and the person having the highest number of votes, entitled by residence within his proper district, and by possessing constitutional qualifications, shall be declared duly elected.

Mr. Dumont moved to lay the bill and proposed amendment on the table.

And on the question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Feeny, Frisbie, Hanna, Hillis, Leviston, Logan, Long, M'Carty and Robb—12.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Farrington, Fletcher, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Morgan, Orr, Pennington, Pollock, Wallace and Whitcomb—18.

So said motion did not prevail.

Mr. Robb called for a division of the question, and

On the question, shall the original bill be stricken out from the enacting clause.

It was decided in the negative,

Mr. Ewing moved to recommit the bill to a select committee, with instructions to inquire into the expediency of striking the same out from the enacting clause, and in lieu thereof, inserting the amendment proposed by Mr. Chambers.

Messrs. Whitcomb, Fletcher, Farrington, Givens and Frisbie, called for the previous question.

Which was propounded by the President agreeably to the rules of the Senate, viz:

Shall the main question be now put?

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Lemon, Logan, McCarty, Morgan, Orr, Pollock, Wallace and Whitcomb—19.

And those who voted in the negative, are

Messrs. Beard, Chambers, Clark, Ewing, Hanna, Hillis, Jessup, Leviston, Long, Pennington and Robb—11.

So it was decided that the main question should now be put, viz:

Shall the bill be engrossed for a third reading?

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Long, McCarty, Morgan, Orr, Pennington, Pollock, Wallace and Whitcomb—23.

And those who voted in the negative, are

Messrs. Chambers, Ewing, Hanna, Hillis, Leviston, Logan and Robb—7.

So said bill was ordered to be engrossed.

And on motion,

The Senate adjourned.

THURSDAY, DECEMBER 20th, 1832.

The Senate assembled.

The following message from the House of Representatives, was received, Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed the following engrossed joint resolutions and an engrossed bill, entitled an act, to wit:

A joint resolution relative to the extension of the Wabash and Erie Canal;

A joint resolution on the subject of nullification, and

An act for the relief of John F. Jones, Collector of Bartholomew county,

In which the concurrence of the Senate is requested.

A joint resolution relative to the extension of the Wabash and Erie Canal,

Was read twice by consent.

On motion of Mr. Ewing, said resolution was indefinitely postponed, and the Secretary instructed to inform the House of Representatives of the fact.

A joint resolution on the subject of nullification,

Was read and passed to a second reading for to-morrow.

A bill for the relief of John F. Jones, Collector of Bartholomew county, was read, and

On motion of Mr. Herod, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Lemon, said bill was laid on the table.

Mr. Orr presented the petition of Mark Hardin and others, praying the location of a certain state road;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That said committee consist of Messrs. Orr, Beard and Feeny.

Mr. Graham, from the committee of ways and means, made the following report:

MR. PRESIDENT:

The committee of ways and means, to which was referred a

resolution of the Senate, instructing them to inquire into the expediency of amending or repealing the act entitled, an act to provide a fund to encourage common schools, approved Feb. 2, 1832, and also to revive so much of the revenue act of 1831, as the above named act repealed, have had the same under consideration, and ask leave to report, that in the opinion of your committee, the act in question will produce salutary effects, and ought not to be repealed.

The committee therefore ask to be discharged from the further consideration of the subject.

Which having been read, was concurred in.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing an inquiry into the expediency of amending the act regulating the empannelling of grand and petit jurors, so as to leave it discretionary with the board doing county business, to select twelve petit jurors for each term of the circuit court, in counties where the term does not exceed one week, have examined the subject embraced in the resolution, and have come to the conclusion, that it would be inexpedient to make any alteration or amendment to the present law at this time, and would therefore ask to be discharged from the further consideration of the resolution.

Which having been read, the committee were discharged.

Mr. Herod, from the judiciary committee, to which had been referred a resolution requesting said committee to prepare and report a joint resolution upon the subject of reviving the act of Congress, granting pre-emption rights to actual settlers upon public lands, now reported a joint resolution of the General Assembly, relative to the public lands;

Which was read twice by consent.

Mr. Hanna moved that said joint resolution be laid on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Feeny, Frisbie, Graham, Hanna, Hoover, Jessup and Orr—12.

Those who voted in the negative, are

Messrs. Dumont, Farrington, Fletcher, Givens, Hendricks, Herod, Hillis, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Pennington, Pollock, Robb, Wallace and Whitcomb—18.

So said resolution was not laid on the table.

On motion of Mr. Whitecomb, said joint resolution was referred to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Whitcomb, from the judiciary committee, to which a resolution of the Senate had been referred, on the subject of amending the attachment law, now reported a bill to amend an act entitled, an act relative to foreign attachments, approved Jan. 20, 1831;

Which was read twice, referred to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Hendricks, from the committee on roads, to which had been referred the petition of William Richards, now reported a bill for the relief of William Richards, Road Commissioner, and for other purposes;

Which was read twice by consent, and

On motion of Mr. Logan, ordered to be engrossed for a third reading.

On motion of Mr. Fletcher, the following resolution was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill authorizing the boards doing county business, to provide against anticipated vacancies in the office of justice of the peace, and to legalize the elections of such as have succeeded to that office by an election in anticipation of a vacancy under our present law.

Mr. Whitcomb submitted for consideration the following resolution, viz:

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of giving circuit courts, setting as courts of chancery, concurrent or exclusive jurisdiction with such courts of common law, in all cases of divorce;

Which was read and adopted.

On motion of Mr. Lemon, the following resolution was adopted:

Resolved, That the Secretary of State be requested to lay before the Senate, the report of the Superintendent of the State Prison, if said Superintendent has reported, in compliance with the 6th and 7th sections of an act entitled, an act for the regulation of the State Prison, approved Feb. 10, 1831.

On motion of the same gentleman,

Resolved, That the committee of claims, be instructed to inquire into the expediency of providing by law, for the payment of three hundred eighty-seven dollars and eighty-six and three fourth

cents, due to the subscribers to the building of the State Prison, with leave to report by bill or otherwise.

On motion of Mr. Jessup, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of allowing the circuit court, in the county of Hendricks, to sit six days at each term, if the business require it.

On motion of Mr. Herod, the following resolution was adopted:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of allowing to prosecuting attorneys, the right of challenging a certain number of jurors peremptorily, in state prosecutions, with leave to report by bill or otherwise.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Robb, the following resolution was adopted, viz:

Resolved, That 300 copies of the report of the Canal Fund Commissioners, in answer to a resolution of the Senate of the 17th inst. be printed for the use of the Senate.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed joint resolution from the Senate, requesting the Governor of Indiana to communicate with the Governor of Ohio, relative to the extension of the Wabash and Erie Canal.

They have also passed an engrossed bill of the House, entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county;

In which engrossed bill the concurrence of the Senate is requested.

The bill last named, was read twice by consent, and

On motion of Mr. Feeny, referred to the committee on the judiciary.

On motion of Mr. Givens, a bill to amend an act, entitled an act to provide for the election of electors of President and Vice Pres-

ident of the United States, approved Jan. 26, 1832, was taken from the table,

And on the question, shall said bill be engrossed for a third reading?

It was decided in the negative.

Mr. Graham moved to take from the table, an engrossed bill of the House of Representatives, for the relief of John F. Jones, Collector of Bartholomew county, which motion prevailed.

On motion of the same gentleman, said bill was amended so as to authorize the board of Commissioners of Bartholomew county, if they deemed it expedient, and the rights of individuals should not thereby be affected or impaired, to give the indulgence asked by said Collector, and allowed in the original bill, and thus amended, said bill was ordered to be engrossed for a third reading.

The Senate then proceeded to consider the orders of the day.

A bill to amend the act relative to crime and punishment, approved, Feb. 10, 1831,

Was read the second time, and

On motion of Mr. Fletcher, laid on the table.

A bill to amend an act entitled, an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831,

Was read a second time.

Mr. Pennington moved to refer said bill to a committee of the whole Senate and make it the order of the day for to-morrow.

Mr. Robb moved that the further consideration of said bill, be indefinitely postponed.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Farrington, Fletcher, Graham, Hanna, Hillis, Hoover, Leviston, Logan, Long, McCarty, Robb and Wallace—17.

And those who voted in the negative, are

Messrs. Chambers, Feeny, Frisbie, Givens, Hendricks, Herod, Jessup, Lemon, Morgan, Orr, Pennington Pollock, and Whitcomb—13.

So said resolution was postponed indefinitely.

An engrossed bill to provide for dividing the state into seven Congressional districts,

Was read a third time, and

On the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Leviston, Logan, Long, M'Carty Morgan, Orr, Pennington, Pollock Wallace and Whitcomb—25.

And those who voted in the negative, are

Messrs. Chambers, Ewing, Hanna, Hillis and Robb—5.

So said bill passed.

An engrossed bill to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831,

Was read a third time and passéd.

Ordered, That the House of Representatives be informed of the passage of said bills, and their concurrence requested.

On motion of Mr. Pennington, the Senate went into committee to consider a bill to provide for appropriating a part of the 3 per cent. fund, and for other purposes, and after some time occupied in the consideration of the same, the committee rose, and Mr. Fletcher, their chairman, reported progress, and asked leave to sit again.

Which was granted;

And on motion,

The Senate adjourned.

FRIDAY, DECEMBER 21, 1832.

The Senate assembled.

Mr. Fletcher, from the committee on the judiciary, made the following report, viz:

The committee on the judiciary, to which was referred a resolution of the Senate, directing them to inquire into the expediency of authorizing the board doing county business, to order an election for a successor, to the office of justice of the peace, before a vacancy occurs, have had the subject proposed in the resolution, under their consideration, and have directed me to report a bill thereon, herewith submitted, entitled a bill to amend the act to provide for electing county and township officers, approved, January 30th, 1831;

Which was read and ordered to a second reading on to-morrow.

Mr. Feeny, from the committee on the judiciary, made the following report, viz:

The committee on the judiciary, to which was referred an engrossed bill, for the benefit of persons who are likely to suffer by the destruction of the records of Parke county, have examined the same, and have directed me to report the bill back to the Senate with an amendment thereto;

Which amendment was read and ordered to be engrossed, and with the bill, read a third time to-morrow.

Mr. Morgan, from the committee on military affairs, to which was referred the petition of David Vance and others, praying for a change of the present law, on the subject of collecting militia fines, have had the same under consideration, and have directed me to report that the committee are of opinion, that it is inexpedient to legislate on that subject at this time; your committee, therefore ask to be discharged from the further consideration of the subject;

Which was read and the committee discharged.

Mr. Lemon, from the committee on claims, to which was referred a resolution, inquiring into the expediency of allowing to the subscribers to the State Prison, \$387 86½ cents, the amount yet unpaid, reported a bill in conformity to said resolution, entitled a bill appropriating \$387 86½ cents, for the payment of the subscribers to the building of the State Prison;

Which was read and ordered to a second reading on to-morrow.

Mr. Farrington, from the select committee, to which was referred so much of his Excellency the Governor's message as relates to the pecuniary wants of our citizens and the creation of a State Bank, reported that they have had the same under consideration, and a majority of said committee have directed him to report by bill, entitled a bill for the establishment of a State Bank;

Which was read twice by consent.

Mr. Ewing moved to lay the same on the table, and that copies be printed for the use of the Senate.

Mr. Morgan named 500.

Mr. Ewing 200.

Mr. Graham 50.

Mr. Beard 100.

A division of the question having been called for,

The question was taken on laying the bill on the table.

Which was carried in the affirmative.

On the question, shall 500 copies of said bill be printed for the use of the Senate?

Those who voted in the affirmative, are

Messrs. Blair, Clark, Farrington, Hillis, Hoover, Long, M'Carty, Morgan and Whitcomb.—9.

And those who voted in the negative, are

Messrs. Beard, Chambers, Ewing, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Jessup, Lemon, Leviston, Logan, Orr, Pennington, Pollock, Robb and Wallace—20.

So said question was decided in the negative.

The question recurred on ordering 200 copies of said bill printed;

Which was carried in the affirmative.

Mr. Ewing, from the committee on canals and internal improvements, made the following report:

The committee on canals and internal improvements, to which was referred so much of the Governor's message as relates to the immediate settlement of the country lately procured by treaty, and the speedy survey and sale thereof, have duly considered the same, and directed me to report, in part, a joint resolution of the General Assembly of Indiana, to urge the speedy sale of lands recently obtained by treaty, concluded with the Pottawatamie Indians, and the establishment of a new land district and office, to facilitate the disposal of said lands, north of the Wabash river, which is herewith submitted, as follows, viz:

A joint resolution of the General Assembly of Indiana, to urge the speedy survey and sale of lands recently obtained, and the establishment of a land office, north of the Wabash river;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Dumont, the following resolution was adopted, viz:

Resolved, That the committee on education inquire into the expediency of revising and embodying, into one act, all the laws now in force, on the subject of township schools and Congressional townships, together with all amendments that may be made during the present session of the Legislature, and also to inquire whether it would be expedient to publish, in pamphlet form copies of said revised school laws, for the use of school commissioners, township trustees and sub-trustees of school districts.

Mr. Gráham submitted the following resolution for consideration:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the law regulating mortgages so as to render the proceedings thereon, more simple and less expensive, at the same time securing the rights of the parties concerned;

Which was read and adopted.

Mr. Ewing submitted for consideration, the following resolution, viz:

Resolved, That a committee, composed of 7 members, be appointed, with instructions to inquire into the expediency of memorializing Congress, on behalf of the good people of Indiana, to charter a Bank of the United States, under proper restrictions, or to create and establish a national currency, as they alone have power to do so, to be founded on the credit and faith of the United States, and to be loaned to each state, if requested, in due proportion to the population of the several states, upon their several stocks, duly sanctioned, and pledged by the proper authorities, bearing an interest of three or four per cent. establishing the issues founded thereon, as good for all state and United States dues—also that said committee take into comparative consideration, as regards the safety, happiness and prosperity of the people and state interests, to be affected thereby—the expediency of creating a state fund, upon which may be founded a state currency, good for all purposes, under certain regulations provided by law, to be predicated upon the proceeds of the canal lands, township school lands, Michigan road lands, salt lick lands and state seminary lands, with the faith of the state as a guarantee, to be placed under the management of state commissioners, with limited powers, accountable to the General Assembly—the profits arising from the issue of said currency, to be devoted to the advancement of the great state interests, to which the vested means properly belong, and in due proportion to the amount so vested. Also that said committee take into consideration the comparative safety and advantage of authorizing the issue of a currency of Treasury notes, bearing

5 per cent. interest from the issue to be founded upon our state faith and redeemable at pleasure, under proper regulations, to accommodate the wants of the people; and said committee also shall take into consideration the comparative safety and advantage of authorizing a company to proceed under special charter, to organize a State Bank, founded in part upon an involvement of our state, to the amount of \$800,000 as provided in the charter now reported and laid upon the table, with power to report by bill or otherwise.

And on the question, shall said resolution be adopted?

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Ewing, Feeny, Frisbie, Hanna, Hendricks, Hoover, Jessup, Lemon, Leviston, Long, M'Carty, Morgan, Orr and Pollock—17.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Fletcher, Givens, Graham, Herod, Hillis, Logan, Pennington, Robb, Wallace and Whitcomb—13.

So said resolution was adopted.

Ordered, That Messrs. Ewing, Pennington, Hoover, Frisbie, Chambers, Hillis and Hendricks, compose said committee.

On motion of Mr. Graham, the following resolution was adopted, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing the 9th section of the act regulating the fees and salaries of the officers and persons therein named.

On motion of Mr. M'Carty, the following resolution was adopted, viz:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the act incorporating Congressional townships, and providing for public schools therein, so that the board doing county business in the respective counties of this state, be authorized, on application of five qualified voters of such township, to give notice at any time, that the citizens of any Congressional township, wishing to change their vote in any case wherein they may have voted against a sale of the school section therein, may and shall meet and vote on that subject for or against a sale, and that said committee further inquire into the expediency of extending the time of leases or letting leases, for longer terms than eight years, in the event the trustees cannot obtain leases

under the provisions of the present act, and said committee have leave to report by bill or otherwise.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The President laid before the Senate, a communication from the Governor, covering sundry documents relating to certain saline reserves in this state.

On motion of Mr. Graham, the reading of said documents, were dispensed with, and the same, with the Governor's communication, were referred to a select committee.

Ordered, That Messrs. Graham, Dumont, Morgan and Pollock compose said committee.

The President laid before the Senate, the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT, }
Indianapolis, December 21, 1832. }

GENTLEMEN OF THE SENATE:

At the request of the Governor of the state of South Carolina, I herewith lay before you, and through you, before the other branch of the Legislature, an address to the people of the United States, prepared by a convention of the people of that state, to which is added the report of the committee of that convention, an address to the people of the state, and an ordinance nullifying the laws of Congress, denominated the Tariff laws.

Respectfully,

N. NOBLE.

Mr. Pennington moved that said document be referred to the judiciary committee.

Mr. Whitcomb moved that the Senate dispense with the reading of the document communicated, and that the same lie on the table;

Which motion did not prevail.

Mr. Dumont moved that the Governor's communication and accompanying document, be referred to a select committee:

Which motion was carried in the affirmative.

Ordered, That Messrs. Dumont, Whitcomb and Farrington, compose said committee.

Mr. Lemon moved to reconsider a vote of the Senate of this morning, on a resolution introduced by Mr. Ewing, on the subject of a national currency, Bank charter, &c.

And on the question, will the Senate reconsider their vote?

Those who voted in the affirmative, are

Messrs. Farrington, Frisbie, Givens, Lemon, Logan, Robb, Wallace and Whitcomb—8.

And those who voted in the negative are,

Messrs. Beard, Chambers, Clark, Dumont, Ewing, Feeny, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Long, McCarty, Morgan, Orr, Pennington and Pollock—19.

So said vote was not reconsidered.

Mr. Hanna, from the standing committee on roads, to which had been referred a resolution of the Senate, in relation to the expenditure of the 3 per cent. fund, heretofore appropriated to the counties of Huntington and Wabash, now, on leave granted, reported a bill to authorize the expenditure of the 3 per cent. fund, heretofore appropriated to the counties of Huntington and Wabash;

Which was read and passed to a second reading on to-morrow.

The President laid before the Senate, a communication of the Secretary of State, covering a report of the Superintendent of the State Prison;

Which, on motion of Mr. Whitcomb, was referred to the committee on the State Prison.

Mr. Chambers submitted for adoption, the following resolution, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the act regulating grist mills and millers, approved Feb. 10, 1831, as interferes with the right of every owner of any water stream or horse mill, erected or constructed upon his own land and with his own means without any public grant, favor or immunity, from making such contract with his customers, as the parties may agree upon, with leave to report by bill or otherwise.

On motion of Mr. Logan, the Senate took from the table, an engrossed bill of the House of Representatives, to authorize the judges of the Washington circuit court to hold a special session,

And on motion of Mr. Whitcomb, the further consideration of the same, was indefinitely postponed.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill, entitled an act to amend the act entitled an act to incorporate Hanover Academy,

In which the concurrence of the Senate is requested.

Said bill was read and passed to a second reading on to-morrow.

The Senate proceeded to the consideration of the orders of the day.

A joint resolution of the House of Representatives, on the subject of nullification,

Was read a second time, and

On motion of Mr. Pennington, referred to the same select committee, to which the subject of South Carolina nullification had been referred.

An engrossed bill for the relief of William Richards, road commissioner, and for other purposes,

Was read a third time and passed.

Ordered, That the House of Representatives be informed of the passage of said bill, and their concurrence requested.

An engrossed bill of the House of Representatives, for the relief of John F. Jones, Collector of Bartholomew county,

Was read a third time and passed with an amendment.

Ordered, That the House of Representatives be informed thereof, and their concurrence in said amendment requested.

On motion of Mr. Logan, the Senate went into a committee of the whole, for the purpose of taking into consideration a bill to appropriate part of the 3 per cent. fund and for other purposes, and after some time occupied in considering the same, the committee rose and Mr. Fletcher, their chairman, reported progress and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

SATURDAY, DECEMBER 22, 1832.

The Senate assembled.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

Mr. PRESIDENT:

The House of Representatives have passed a memorial and joint resolution, from the Senate, soliciting aid to improve the great western thoroughfare leading from Louisville to St. Louis, via Paoli, Mount Pleasant, Washington and Vincennes, also, the following engrossed bills, entitled acts, and a memorial of the House, to wit:

An act to legalize the proceedings of the School Commissioners of Sullivan county;

A memorial on the subject of the National Road;

An act authorizing John Newby, of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road;

An act to extend the privileges granted to the Harrison and White Water bridge company;

An act to establish a state road from Napoleon, in Ripley county, via Camden, Newbern and Columbus, in Bartholomew county to Bloomington, in Monroe county;

An act to locate a state road from Williamsport, in Warren county, by the way of Lebanon and Chesepeak, to the state line, And an act to establish a state road in Vigo county.

In which bills and memorial of the House, I am instructed to ask the concurrence of the Senate.

Said bills and the memorial named in the above message, were severally read, and ordered to a second reading on Monday next.

Mr. Dumont presented the petition of Vincent Dufour, of Switzerland county, praying to be released from the payment of the damages and per cent. accruing to the state, on a certain judgment obtained against John F. Libenthall, Collector of Switzerland, for 1825, and his father, John James Dufour, now deceased;

Which was read, and

On motion of Mr. Dumont, referred to the committee of ways and means.

Mr. Hoover presented the petition of B. L. Goodwin and others, citizens of Wayne county, praying for the location of a state road, from the north west corner of Oxford township, via the store of B. L. Goodwin, to Richmond;

Which was read, and

On motion of Mr. Hoover, referred to the committee on roads.

Mr. Chambers presented the petition of Samuel Stalcup and others, citizens of Orange county, praying an alteration in the Levenworth mill road;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Fletcher, from the committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing them to inquire into the expediency of repealing the ninth section of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7th, 1831, have examined the subject presented in the resolution, and a majority of the committee have directed me to report a bill to repeal the section therein named, entitled a bill to repeal the 9th section of the act regulating the fees and salaries of the several officers and persons therein named.

Which was read and ordered to a second reading on Monday next.

Mr. Hendricks, from the committee on roads, made the following report:

The committee on roads, to which was referred the petition of sundry citizens of Boon, Hendricks and Montgomery counties, praying a special appropriation out of the 3 per cent. fund, for the purpose of improving the road from Indianapolis to Crawfordsville, report, that they have had the same under their consideration, and a majority of the committee, are of opinion, that further legislation on that subject, is inexpedient at this time; your committee therefore ask to be discharged from the further consideration thereof.

Which report was,

On motion of Mr. Blair, laid on the table.

On motion of Mr. Clark,

Resolved, That when the Senate next adjourn, they will adjourn till Monday morning, at the usual hour.

Mr. Farrington moved to take up the report of the committee on roads, relative to a repeal of the law of last session, for preventing useless and expensive legislation, on the subject of state roads;

Which motion prevailed.

Mr. Robb moved to amend said report, so that "the provisions contained in the 5th section of said act, will be confined to such

applications as are made for a state road or roads, commencing and terminating in the same county."

Which motion was decided in the negative.

The question then recurred on the motion of Mr. Herod, made on the 13th of Dec. to recommit, with instructions to strike out the 5th section of the act in question,

The ayes and naes being demanded by five Senators,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Dumont, Farrington, Hanna, Hendricks, Herod, Hoover, Jessup, Logan, Long, M'Carty, Pennington, Pollock, Wallace and Whitcomb—16.

Those who voted in the negative, are

Messrs. Chambers, Ewing, Feeny, Fletcher, Frishie, Givens, Graham, Hillis, Lemon, Leviston, Morgan, Orr and Robb—13.

So said report was referred.

Ordered, That Messrs. Herod, Farrington and Beard, be the committee.

Mr. Clark offered for adoption, the following resolution:

Resolved, That the judiciary committee be instructed to inquire, if any, what amendments are necessary, to the act authorizing the appointment, and defining the duties of county surveyors, and that they report by bill or otherwise;

Which was read and adopted.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

Mr. PRESIDENT:

The House of Representatives have concurred in the several amendments made by the Senate, to the engrossed bill of the House of Representatives, entitled an act for the relief of John F. Jones, Collector of Bartholomew county.

Mr. Long offered for adoption, the following resolution, viz:

Resolved, That the committee on roads be directed to examine so much of the report of the Agent of the 3 per cent. fund, as relates to road No. 49, ascertain if any and what sum of the appropriation made on said road, remains unexpended, and if expedient

report a bill to appoint a commissioner, to expend the same, in lieu of the present commissioner on said road;

Which was read and adopted.

Mr. Leviston, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed joint resolution, entitled as follows, to wit:

A joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio, relative to the extension of the Wabash and Erie Canal,

And find the same truly enrolled.

The President laid before the Senate, the following communication from Nicholas M'Carty, the resident Fund Commissioner, explanatory of his former reports:

TO THE HON. THE PRESIDENT OF THE SENATE:

Sir:—Permit me, on behalf of the Commissioners of the Canal Fund, to lay before the Senate, the following duplicate of an additional report, by me made, to the House of Representatives, in explanation of the first exhibit of the Canal Fund, and a statement of the situation of the balance of the Fund.

Exhibit of Canal Fund as per former report.

To amount received from Treasurer of State, for canal lands sold,	\$24,123 04	
To amount of Agent 3 per cent. fund of Wabash fund,	4,528 52	
	<hr/>	\$28,651 56
To amount in the hands of D. Burr, as reported to the Gen. Assembly, Dec. 16, 1831,	219 87	
To amount in the hands of Samuel Lewis per same report,	118 51	
	<hr/>	338 38
To amount of interest on lands sold in 1830, as per D. Burr's account,	51 72	
To amount of interest on lands sold in 1830, as per Samuel Lewis' account,	281 42	
To amount of interest on lands sold in 1830, as per Jordan Vigus' account,	2,233 08	
	<hr/>	2,566 22
To amount of full payment on land sold in 1830, as per J. Vigus' account,	894 45	
To amount of full payment on land sold in 1830, as per S. Lewis' account,	155 26	
	<hr/>	1,049 71

To amount received by S. Lewis, for land sold since Oct. 6, 1832, and interest thereon, as per account,	\$1,984 38	
To amount received by Jordan Vigus, since Oct. 6, 1832, for lands sold and interest thereon, as per account,	13,257 17	\$15,241 55
To am't received on the loan at the Merchant's Bank of J. D. Beers, & Co.		63,260 00
		<hr/> 111,107 42
From this deduct the expenditure of the Canal Commissioners,	\$5,420 09	
" " " " Fund Com.	1,014 10	6,434 19
		<hr/>
Balance,		\$104,673 23

The above exhibit of the Canal Fund is recapitulated, to shew an erroneous footing of the same exhibit, which, in haste to conclude our first report, while the Commissioners were together, occurred in footing the balance as above stated, at \$104,573 23 in place of \$104,673 23, the correct balance, as I find upon a more recent computation.

The situation of the above balance is as follows:

Balance of the amount received from loan and premium deposited in the Bank, without the \$50 received on loaning to Mr. Hale, being	63,260 00	
The amount drawn by N. McCarty, for Canal use,	10,000 00	
" " Wm. C. Linton,	7,800 00	
The am't remaining in Bank on deposit,	45,460 00	63,260 00
		<hr/>
The amount loaned to individuals by Jeremiah Sullivan, is	9,100 00	
" " " N. McCarty,	8,600 00	
" " " W. C. Linton,	7,753 00	25,453 00
		<hr/>
There is on deposit in Land Office at Fort Wayne, made by Samuel Hanna, as our disbursing agent,	15,928 04	
There is on deposit for safe keeping, in Mr. Merrill's hands,	296 29	
		<hr/>
		\$104,937 33

From which amount, deduct the part of expenditures reported by the Fund Commissioners, which has not yet been paid to the individuals entitled to them \$264 10

Balance as above, \$104,673 23

With reference to the actual disbursements of the Canal Fund, in accomplishing its design, in constructing the Canal, the board determined, after consultation, to transact that business, (which in Ohio, is done through some Bank, in the vicinity of the works or elsewhere,) through some suitable agent, convenient to the operations, as the best arrangement in their power to make under their circumstances.

Accordingly, the following communication was addressed to Samuel Hanna, Esq. residing at Fort Wayne, by the board.

OFFICE WABASH & ERIE CANAL FUND COMMISSIONERS, {
Indianapolis, February 28, 1832. }

TO SAMUEL HANNA, Esq.

Sir:—The undersigned, deeming it expedient to have an agent, in the vicinity of the Canal lettings, for the purpose of disbursing the moneys, as they may be required by the Canal Commissioners, during the progress of the work, think proper to offer you the appointment, the acceptance of which, will be predicated on the following conditions, viz: That you will execute to them, as Canal Fund Comm'r, a bond, with sufficient security, known to them, or to such persons here, as you may refer them to, in the sum of \$20,000, for the faithful disbursements of any and all moneys they may place at your disposal, according to law; second, That you will from time to time, as may be required, procure the money from any distance, not exceeding that from your place to this, that the undersigned may name, and pay them out, as before stated, without charge. Should you accept the appointment, when you forward your bond, you may draw on us, as Commissioners of the Canal Fund, for \$5,000, which will be paid on the acceptance of the bond, &c.

In reply to which, Mr. Hanna forwarded to us his bond, conditioned as above, in the penalty of \$20,000, with James Barnett, Francis Comparet and Allen Hamilton, securities, whom, from information, we approved, and which bond has been duly recorded.

Mr. Hanna has since acted as our disbursing agent, and his account as rendered, examined and approved, is as follows.

Samuel Hanna, agent, in account with Canal Fund Commissioners, Dr.

May 24, 1832. To cash placed subject to draft as agent, \$5,000 00

Dec. 6,	To cash received from Canal Comm'rs.	14,396 00
		<hr/>
		19,396 05
	To balance reported as deposited in the Land Office at Fort Wayne,	15,928 04
		<hr/>
		Cr.
Dec. 6, 1832.	By cash paid out on drafts of Canal Com'rs as per your account rendered, with vouchers approved,	\$3,468 00
	By balance charged to you,	15,928 04
		<hr/>
		\$19,396 04

Our original instructions to Mr. Hanna, have been so modified, at the suggestion of the Canal Commissioners, that he can now make such payments on the requisitions of the Commissioners of contracts, as that a sum, at no time more than \$1000 shall remain in his hands; as a fund for contingent expenditures for canal uses: and said agent is directed to make no payment or any draft for work, unless it be accompanied by the estimate of the Engineer, and then only, to the extent of half the estimate, according to law.

In conclusion, I would state, that in view of the necessity which exists in the circumstances, in which we are placed, to have a disbursing agent, and to secure the safety of the fund, the board have concluded to make a purchase of an iron chest, as soon as it can be done at the east, conveniently.

Very respectfully submitted on behalf of the Commissioners,
N. MCARTY.

On motion of Mr. Ewing, said report was referred to the committee on canals and internal improvements.

And on motion,

The Senate adjourned.

MONDAY, DECEMBER 24, 1832.

The Senate assembled.

Mr. Hendricks presented the petition of Obadiah Martin and

others, praying the location of a state road, between the county seats of Bartholomew and Decatur counties;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Hanna presented the petition of Stephen Theodore Badin, praying legislative aid, to enable the petitioner to establish an orphan asylum in the county of St. Joseph;

Which was read, and

On motion of the same gentleman, referred to the committee on education.

Mr. Hoover presented the petition of John Erwin and others, stockholders of the Eaton and Miami rail road company, praying a change in their act of incorporation;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Hoover, M'Carty and Leviston, compose said committee.

Mr. Hendricks, from the standing committee on roads, to which had been referred a resolution of the Senate, upon the subject of a certain road in the county of Parke, now reported a bill to locate a state road from Montezuma, to the intersection of the road from Danville via Rockville, to Montezuma;

Which was read and passed to a second reading on to-morrow.

Mr. Whitcomb submitted for consideration, the following resolution, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 64th section of the act regulating the practice in suits at law, approved Jan. 29, 1831, as to provide for a trial in the proper circuit court, of some causes at the term thereof, immediately subsequent to the reversal of the same, in the Supreme Court, with leave to report by bill or otherwise;

Which was read and adopted.

Mr. Fletcher presented the following resolution for consideration:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the subscription, on the part of the state, for the use of the several counties therein, for a number of copies of the 2d volume of Blackford's reports, of the decisions of the Supreme Court of this state, about to be published, with leave to report by bill or otherwise;

Which was read and adopted.

The Senate proceeded to the consideration of the orders of the day.

The following bills to wit:

A bill to authorize the expenditure of the 3 per cent. fund, heretofore appropriated to the counties of Huntington and Wabash;

A bill to appropriate \$387 86 $\frac{1}{2}$ for the payment of the subscribers to the building of the State Prison, and

A bill to amend the act to provide for electing county and township officers, approved Jan. 30, 1831,

Were severally read the second time and ordered to be engrossed for a third reading.

A joint resolution of the General Assembly of the state of Indiana, to urge the speedy survey and sale of lands recently obtained, and the establishment of a land office north of the Wabash river,

Was read a second time and ordered to be engrossed for a third reading.

An engrossed bill of the House of Representatives, entitled an act to amend the act entitled an act to incorporate Hanover Academy,

Was read a second time,

Mr. Pennington moved that the further consideration of said bill be postponed until the first day of December next.

But before taking the question upon said motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Beard from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bill and joint resolution, entitled as follows, to wit:

An act for the relief of John F. Jones, Collector of Bartholomew county;

A memorial and joint resolution, soliciting aid to improve the great western thoroughfare, leading from Louisville to St. Louis via Paoli, Mount Pleasant, Washington to Vincennes,

And find the same truly enrolled.

The Senate resumed the consideration of the motion of Mr. Pennington, indefinitely to postpone the bill of the House of Rep-

representatives, entitled an act to amend the act entitled an act to incorporate Hanover Academy,

But before the question was taken upon said motion,

The Senate adjourned.

TUESDAY, DECEMBER 25th, 1832.

The Senate assembled.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bill, entitled an act, memorial and joint resolution, viz:

An act for the relief of John F. Jones, Collector of Bartholomew county;

A joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio, relative to the extension of the Wabash and Erie Canal, and

A memorial and joint resolution of the state of Indiana, soliciting aid to improve the great western thoroughfare leading through this state, from Louisville, Kentucky, to St. Louis, Missouri, via Mount Pleasant, Washington and Vincennes.

I am directed to bring them to the Senate for the signature of their President.

Which having been signed by the President, were handed to the committee on enrolled bills, to be by them laid before the Governor.

The House of Representatives have passed, without amendment, the following engrossed joint resolution and engrossed bill of the Senate, entitled an act, to wit:

A joint resolution to procure appropriations to construct a safe harbor and to erect a light house, at the mouth of Des Chemins, on Lake Michigan, and

An act to amend an act to appropriate part of the 3 per cent. fund and for other purposes.

They have passed engrossed bills, joint resolutions and a memorial of the House, entitled as follows to wit:

An act to locate a state road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis, at Edinburgh, in Johnson county by the way of Morgantown in said Morgan county;

An act to locate a state road from where the Michigan road crosses Yellow river, by the way of the county seat of Laporte county, to the mouth of Trail creek;

An act to locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's, in said Morgan county, to Stilesville, in the county of Hendricks;

A joint resolution on the subject of a rail road, from the Mississippi river to the city of Washington;

A joint resolution relative to the public ferry at Indianapolis;

A memorial, asking relief to William Warren;

An act to locate a state road from Green Castle, in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county, and Bowlinggreen and New Brunswick, in Clay county;

An act changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois, and

An act to legalize the proceedings of the Commissioner, appointed to mark and locate a state road from the town of Lagrange to Logansport,

In which bills, joint resolutions and memorial of the House, I am instructed to ask the concurrence of the Senate.

The foregoing bills, entitled acts and joint resolutions, were severally read and passed to a second reading to-morrow.

The engrossed joint memorial, asking relief to William Warren, Was read twice by consent, amended,

On motion of Mr. Lemon, the amendments considered engrossed and with the joint resolution, read a third time and passed.

Ordered, That the House of Representatives be informed thereof, and their concurrence in said amendments requested.

Mr. Whitcomb presented the petition of John Hight and others, praying for the passage of an act establishing the Monroe county female seminary;

Which was read, and

On motion of Mr. Pennington, referred to the committee on education.

Mr. Hendricks, from the committee on roads, to which had been referred the petition of certain stockholders of the Freder-

icksburgh bridge company, requesting exclusive privilege, and also the petition of sundry citizens of the county of Washington, praying for a charter to be granted to a company to erect a free bridge, and for legislative aid, to construct the same, now reported, that the subject referred had been considered by said committee, and that in their opinion further legislation, at this time, on said subjects, would be inexpedient;

Which report, on motion, was concurred in.

Mr. Herod, from the select committee, to which had been referred a resolution of the Senate, on the subject of amending an act entitled an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832, with instructions, now reported a bill agreeably to said instructions;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Lemon, the following resolution was adopted, viz:

Resolved, That the committee on roads be instructed to inquire into the expediency of amending the act entitled, an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1832, so as to give those that are or may become stockholders, or a majority of them, power to construct a turnpike road in place of a rail road, and further to give said company power to make such intermediate points, between the towns of Jeffersonville and Indianapolis, as they or a majority of them may deem expedient.

Mr. Ewing submitted for consideration, the following resolution, viz:

Resolved, That the committee on education be instructed to take into consideration, the propriety and immediate expediency of so amending the act establishing the state college at Bloomington, that a certain number of students from each county of our state, may be admitted, under proper restrictions, and maintained and educated, free of all charge, by engrafting into said act, proper provisions, according to approved portions, the Fellenburgh and Lancastrian systems of agricultural and mechanical instruction, blended with a due attention to all the useful sciences, and that said committee have leave to report by bill or otherwise.

Mr. Beard moved to strike out of said resolution, the word 'maintained;'

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Clark and Frisbie—3.

And those who voted in the negative, are

Messrs. Blair, Chambers, Dumont, Ewing, Farrington, Feeny, Fletcher, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Logan, M'Carty, Morgan, Orr, Pennington, Pollock, Robb and Whitcomb.—25.

So said word was not stricken out.

On motion of Mr. Whitcomb, said resolution was amended by changing the reference to a select committee, and thus amended the resolution was adopted.

Ordered, That Messrs. Ewing, Hillis and Dumont, compose said committee.

On motion of Mr. M'Carty, the following resolution was adopted, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the 9th section of an act for the prevention of frauds and perjuries, approved Jan. 24th, 1831, so that the husband and wife shall be entitled to convey real estate, belonging to the wife, when she shall have arrived to the age of eighteen years, or make relinquishment of dower, in sales made by her husband, &c. and that said committee have leave to redort by bill or otherwise.

Mr. Pennington submitted the following resolution, which was adopted, viz:

Resolved, That the committee on elections inquire into the expediency of so amending the 20th section of the act to regulate the mode of doing county business in the several counties of this state, approved Jan. 19, 1831, as to vest the power in the board of commissioners in each county, to appoint overseers of the poor, fence viewers and supervisors of roads, instead of having said officers elected by the people, as the law now provides, with leave to report by bill or otherwise.

On motion of Mr. Blair, the following resolution was adopted:

Resolved, That when the Senate adjourns, they will adjourn until to-morrow morning at the usual hour.

On motion of Mr. Chambers, the following resolution was adopted, viz:

Resolved, That the committee on the judiciary be instructed to inquire and report whether it be expedient to revive the usury law in this state, and to repeal all legal privileges to loan money at a higher rate than 6 per cent. per annum, also to examine the different charters granted to insurance companies, and to report

an opinion if said companies, would, in right of their charters, in case the usury law were revised, to loan money at their own rates, or at any greater rate than individuals, with leave to report by bill or otherwise.

Mr. Clark, on leave granted, introduced a bill for the relief of Lismund Basye;

Which was read twice by consent, and

On motion of the same gentleman, referred to the committee on roads.

The Senate proceeded to the consideration of the orders of the day, and resumed the consideration of the motion of Mr. Pennington, indefinitely to postpone a bill to amend the act entitled an act to incorporate the Hanover Academy.

Mr. Pennington, on leave of the Senate, withdrew his motion to postpone said bill, and moved that the same be referred to the committee of the whole Senate, and made the order of the day for to-morrow.

Which motion was carried in the affirmative.

And on motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 26, 1832.

The Senate assembled.

Mr. Orr presented the petition of Charles Harrah and others, praying the action of the General Assembly, in relation to certain roads therein named;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Whitcomb, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of giving circuit courts, as courts of chancery, concurrent

or exclusive jurisdiction in libels or petitions for divorce, have according to order, had the same under consideration, and have directed me to report a bill supplementary to an act, entitled "an act regulating divorces, approved Jan. 17, 1831;

Which was read and passed to a second reading for to-morrow.

Mr. Hendricks, from the committee on roads, to which was referred the petition of sundry citizens of Wayne county, praying the location of a certain state road, now reported as the result of the deliberations of said committee, a bill to establish a state road from the Ohio line, to Daton, near the west boundary of Wayne county;

Which was read and passed to a second reading to-morrow.

Mr. Logan, from the select committee, to which was referred the petition of Jacob Bixler and others, of Washington county, praying a repeal of the 2d section of the act regulating the interest of money, now reported as the result of their deliberations, a bill to amend the act entitled an act regulating the interest of money, in the state of Indiana, approved Feb. 1, 1831.

Which was read twice by consent, and

On motion of Mr. Ewing, referred to a committee of the whole Senate and made the order of the day for to-morrow.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, that Land Office Certificates shall be evidence of legal title, before the issuing of patents thereon, in the different courts of this state.

On motion of Mr. Frisbie, the following resolution was adopted:

Resolved, That the standing committee on the judiciary, be instructed to inquire into the expediency of authorizing the foreman of grand jurors, to administer oaths to witnesses, brought before such grand jurors, for examination, with leave to report by bill or otherwise.

Mr. Dumont, from the committee of ways and means, on leave granted, now reported that said committee, to which had been referred the petition of Vincent Dufour, had instructed him to report a bill for the relief of Vincent Dufour;

Which was read twice by consent, referred to a committee of the whole Senate and made the order of the day for to-morrow.

On motion of Mr. Dumont, the following resolution was adopted, viz:

Resolved, That the Auditor of Public Accounts, furnish the Senate with a statement of the amount of the defalcation of the Collector of Switzerland county, for the year 1825, the time suit was

brought on said defalcation, and also the time that suit was brought on the defalcation of said Collector, for the year 1826.

Mr. Hanna, on leave granted, introduced a bill supplemental to the act, entitled an act to establish a state road from the county seat of Grant, to the county seat of Elkhart county;

Which was read and passed to a second reading.

The Senate proceeded to the consideration of the orders of the day.

The following bills, from the House of Representatives, entitled acts, viz:

To locate a state road from Williamsport, in Warren county, by the way of Lebanon and Chesapeake, to the state line.

To establish a state road in Vigo county.

To legalize the proceedings of the school commissioners of Sullivan county.

To extend the privileges granted to the Harrison and White Water bridge company.

Authorizing John Newby of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road,

Were severally read a second time and ordered to a third reading to-morrow.

An act to locate a state road from Green Castle, in Putnam county, to Carlisle, in Sullivan county, by the way of Manhattan, in Putnam county and Bowlinggreen and New Brunswick, in Clay county,

Was read a second time, and

On motion of Mr. Orr, referred to a select committee.

Ordered, That Messrs. Orr, Farrington and Jessup, compose said committee.

An engrossed bill of the House of Representatives, to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington, in Monroe county,

Was read a second time, and

On motion of Mr. Hendricks, laid on the table.

The following bills, joint resolutions and memorial, to wit:

A bill to locate a state road from where the Michigan road crosses Yellow river, by the way of the county seat of Laporte county, to the mouth of Trail creek.

To locate a state road from Montezuma, to the intersection of the road from Danville via Rockville, to Montezuma.

To locate a state road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis, at Edinburgh, in Johnson county, by the way of Morgantown, in said Morgan county.

A memorial of the General Assembly on the subject of the national road, and

A joint resolution on the subject of a rail road from the Mississippi river, to the city of Washington,

Were severally read a second time and ordered to a third reading to-morrow.

A bill to repeal the 9th section of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831,

Was read a second time, and

On motion of Mr. Hillis, referred to a committee of the whole Senate and made the order of the day for to-morrow.

An engrossed bill of the House of Representatives, changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois,

Was read a second time, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Feeny and Wallace be said committee.

An engrossed joint resolution of the House of Representatives, relative to the public ferry at Indianapolis,

Was read a second time, and

On motion of Mr. Graham, laid on the table.

An engrossed bill of the House of Representatives, to locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's, in said Morgan county, to Stilesville, in the county of Hendricks,

Was read a second time, and

On motion of Mr. Jessup, laid on the table.

A bill to amend the act entitled, an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832,

Was read a second time, and

On motion of Mr. Graham, referred to a committee of the whole Senate, and made the order of the day for to-morrow.

An engrossed bill of the House of Representatives, to legalize the proceedings of the commissioner appointed to locate a state road from the town of La Grange to Logansport,

Was read a second time, amended,

On motion of Mr. Clark, the amendment ordered to be engrossed, and with the bill read a third time to-morrow.

The following bills and joint resolutions, to wit:

An engrossed bill of the House of Representatives, for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

— to amend the act to provide for electing county and township officers, approved Jan. 30, 1831.

— to authorize the expenditure of the 3 per cent. fund, heretofore appropriated to the counties of Huntington and Wabash, and

A joint resolution of the General Assembly of the state of Indiana, to urge the speedy survey and sale of lands recently obtained, and the establishment of a land office north of the Wabash river, also

A bill to appropriate \$387 86 $\frac{1}{2}$ for the payment of the subscribers to the building of the State Prison,

Were severally read a third time and passed.

Ordered, That the House of Representatives be informed of their passage, and their concurrence requested in the bill and joint resolution of the Senate.

On motion of Mr. Hanna, the committee of the whole were discharged from the consideration of a bill to amend the act entitled an act dividing the state into judicial circuits, and fixing the times of holding courts therein, and for other purposes, approved Feb. 10, 1831, and said bill was laid on the table.

On motion of Mr. Whitcomb,

Resolved, That the Senate now take into consideration, in committee of the whole, a bill to amend the act entitled an act regulating the practice in suits at law, approved Jan. 21, 1831; when, after some time occupied in the consideration of the same, the committee rose, and Mr. Frisbie, their chairman, reported the same to the Senate without amendment, and before taking any question, in relation to said bill,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to acquaint the Senate, that they concur in the amendments made by the Senate, to the engrossed memorial of the House, asking relief to William Warren.

The Senate resumed the consideration of a bill to amend an act entitled an act regulating the practice in suits at law, and the same was ordered to be engrossed for a third reading to-morrow.

The Senate, on motion, resolved itself into a committee of the

whole, for the purpose of considering a bill to amend the act entitled an act to incorporate the Hanover Academy, and after some time occupied in the consideration of the same, the committee rose and Mr. Givens, their chairman, reported the same with sundry amendments.

On motion of Mr. Whitcomb, the question of concurring in said amendments, was taken as to each of them separately.

And on the question, will the Senate concur in the first amendment, which was by annexing to the bill, the following proviso:

Provided that if any improper influence or money should be used or attempted to be used by the trustees, or faculty to teach or inculcate sectarian tenets or doctrines to the students of said college, such act or attempt shall be considered a forfeiture of this charter.

It was carried in the affirmative.

And on the question, will the Senate concur in the second amendment, by adding to the said bill, the following section, viz:

Sec. — That it shall be one of the fundamental principles of said college, that the course of instruction shall be upon the manual labor system,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Givens, Hillis, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Wallace and Whitcomb—22.

Those who voted in the negative, are

Messrs. Chambers, Frisbie, Graham, Hanna, Hendricks, Herod, Hoover and Robb—8.

So said amendment was concurred in.

Mr. Whitcomb moved further to amend said bill, by adding to the same, the following section, viz:

Sec. — Each and every student in said college, while he continues as such, shall, if of sufficient bodily ability, personally perform sufficient manual labor, to defray, at least the greater part of the expense of his boarding, lodging and tuition, unless prevented by sickness or other unavoidable accident.

And on this question,

Those who voted in the affirmative, are

8 18

Messrs. Farrington, Fletcher, Givens, Lemon, Pennington, Wallace and Whitcomb—7.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Feeny, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Logan, Long, M'Carty, Morgan, Orr, Pollock and Robb—23.

So said bill was not thus amended.

Mr. Whitcomb moved further to amend said bill, by annexing thereto, the following section, viz:

Sec. — Any violation or infraction of any of the provisions, requirements or restrictions in this act mentioned, shall *ipso facto* work a repeal of this act, and a forfeiture of the charter of said college.

And on the question, shall the proposed amendment be adopted?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Farrington, Fletcher, Givens, Hanna, Hoover, Lemon, Logan, M'Carty, Morgan, Orr, Pennington, Wallace and Whitcomb—15.

And those who voted in the negative, are

Messrs. Chambers, Clark, Dumont, Ewing, Feeny, Frisbie, Graham, Hendricks, Herod, Hillis, Jessup, Leviston, Long, Pollock and Robb—15.

The Senate being equally divided, Mr. President voted in the negative.

So said amendment was not adopted.

Mr. Whitcomb moved further to amend the said bill, by annexing to the same, the following section, viz:

Sec. — The General Assembly of the state of Indiana, hereby reserves to itself, the right and power of altering and amending this act of incorporation at any time hereafter, any thing herein contained to the contrary notwithstanding.

Mr. Graham moved to amend the proposed amendment, by striking out the word hereafter.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Clark, Dumont, Ewing, Feeny, Frisbie, Graham, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Long, M'Carty, Morgan, Pollock and Robb—19.

And those who voted in the negative, are

Messrs. Blair, Farrington, Fletcher, Givens, Hanna, Lemon, Logan, Orr, Pennington, Wallace and Whitcomb—11.

So said word was not stricken out.

On motion of Mr. Graham, the blank occasioned by striking out hereafter, was filled by inserting 'after 1843.'

And on the question, shall the proposed amendment, as amended, be adopted,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—27.

And those who voted in the negative, are

Messrs. Chambers, Clark and Givens—3.

So said amendment, as amended, was adopted.

The question then recurred on engrossing said amendments for a third reading.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Long, M'Carty, Morgan, Orr, Pollock, Robb and Wallace—24.

And those who voted in the negative are,

Messrs. Chambers, Givens, Lemon, Logan, Pennington and Whitcomb—6.

So said admendments were ordered to be engrossed, and with the bill, read a third time to-morrow.

Mr. Beard from the joint committee on enrolled bills, now re-

ports. that they have on this day, presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts and joint resolutions, to wit:

An act for the relief of John F. Jones, Collector of Bartholomew county;

A joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio, relative to the extension of the Wabash and Erie Canal;

A memorial and joint resolution of the state of Indiana, soliciting aid to improve the great western thoroughfare leading through this state, from Louisville, Kentucky, to St. Louis, Missouri, via Mount Pleasant, Washington and Vincennes.

And on motion,

The Senate adjourned.

THURSDAY, DECEMBER 27, 1832.

The Senate assembled.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendment made by the Senate, to the engrossed bill of the House of Representatives, for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

They have passed an engrossed joint resolution and engrossed bills of the House, entitled as follows to wit:

A joint resolution of the General Assembly of the state of Indiana, relative to the President's proclamation, on the subject of the present difficulties in South Carolina;

An act to re locate part of the state road, leading from Spencer, in Owen county, to Danville, in Hendricks county, and

An act to establish a certain state road therein named,

In which I am instructed to ask the concurrence of the Senate.

The joint resolution first named in the message, was read twice by consent, and

On motion Mr. Orr. referred to the select committee to which the subject of nullification had been referred.

An engrossed bill of the House of Representatives, to establish a certain state road therein named, and

An engrossed bill of the House of Representatives, to re-locate part of the state road leading from Spencer, in Owen county, to Danville, in Hendricks county,

Were severally read and ordered to a second reading to-morrow.

Mr. Fletcher, having obtained leave, reported, from the judiciary committee, in pursuance of a resolution of the Senate, directing an inquiry into the expediency of providing by law, for the subjecting of the rights, credits, monies and effects of judgment debtors, to the payment of judgments or decrees against them, a bill supplemental to the act subjecting real and personal estate to execution, approved Feb. 4, 1831;

Which was read and passed to a second reading to-morrow.

Mr. M'Carty, from the judiciary committee, to which was referred a resolution of the Senate, directing an inquiry into the expediency of amending the act to regulate marriages, approved Feb. 4, 1831, on leave being granted, reported a bill to amend an act to regulate marriages, approved Feb. 4, 1831;

Which was read and passed to a second reading on to-morrow.

Mr. Orr, from the select committee, to which was referred the petition of Mark Hardin and others, on the subject of a state road, on leave being granted, reported a bill to locate a state road from Stilesville, by the way of New Maysville, to Crawfordsville;

Which was read and passed to a second reading to-morrow.

Mr. Fletcher, from the committee on the judiciary, made the following report, viz:

The committee on the judiciary, to which was referred a resolution of the Senate, directing them to inquire and report whether it would be expedient to revise the usury law in this state and repeal all legal privileges to loan money at more than 6 per cent. per annum, and also to examine the different charters to insurance companies, and to report an opinion if said companies are entitled in right of their charters, were the usury law revived, to loan money at their own rates, or at any greater rate than individuals, have considered the resolution, and have directed me to report that a majority of the committee deem a revision of the usury law, at this time, inexpedient, and ask to be discharged from further consideration of the resolution.

On motion of Mr. Chambers, said report was laid on the table.

Mr. Morgan, on leave granted, introduced a bill to amend the act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

Which was read, and ordered to a second reading to-morrow.

The Senate proceeded to the consideration of the orders of the day.

On motion of Mr. Hendricks, the following bill was taken from the table, viz:

An engrossed bill of the House of Representatives, to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington, in Monroe county.

On motion of Mr. Herod, the same was amended by striking out 'and.'

On motion of Mr. Whitcomb, the first blank was filled with Aquilla Rogers, of Monroe county.

On motion of Mr. Hendricks, the second blank was filled with Samuel Williams, of Decatur county,

And said amendments were ordered to be engrossed, and with the bill, read a third time to-morrow.

On motion of Mr. Fletcher,

An engrossed joint resolution of the House of Representatives, relative to the public ferry at Indianapolis,

Was taken from the table and referred to the committee of the affairs of the town of Indianapolis.

The following bills, viz:

To locate a state road from the Ohio line, to Daton, near the west bounary of Wayne county;

Supplementary to an act entitled an act regulating divorces, and

Supplemental to the act entitled an act to establish a state road from the county seat of Grant, to the county seat of Elkhart county,

Were severally read the second time and ordered to a third reading.

A bill to amend the act entitled an act regulatīng the practice in suits at law, approved Jan. 29, 1832,

Was read a third time.

Mr. Graham moved that said bill be recommitted to the judiciary committee, with instructions to amend the same, so as to enable the defendant to compel the plaintiff to give security for costs, on his making oath that he verily believes that costs of suit cannot be collected from the plaintiff, in the court, if judgment be rendered against him.

Mr. Fletcher moved to amend said instructions, by adding thereto, the following:

And to repeal so much of the attachment law, as gives the plaintiff the privilege of swearing that he has a just debt due him,

and so much of the act relating to the practice of law, as permits the plaintiff to swear, in order to hold the defendant to bail, on an unwritten contract, that the debt is justly due, and in actions of tort, to prohibit the plaintiff from swearing that the tort has been committed, in order to hold the defendant to bail.

And on the question of so amending Mr. Graham's motion,

Messrs. Fletcher and Frisbie, voted in the affirmative, and all the other Senators present, voted in the negative.

The question then recurred on the adoption of Mr. Graham's motion, to commit with instructions.

And on this question, Mr. Graham voted in the affirmative, and the residue of the Senators, in the negative.

So said bill was not committed.

The question was then taken on the passage of the bill,

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Dumont, Farrington, Feeny, Givens, Herod, Lemon, Logan, McCarty and Pennington—10.

And those who voted in the negative, are

Messrs. Beard, Chambers, Clark, Fletcher, Frisbie, Graham, Hanna, Hendricks, Hillis, Hoover, Leviston, Long, Morgan, Orr, Pollock, Robb, Wallace and Whitcomb.—18.

So said bill did not pass.

The following bills were read a third time and passed, viz:

An engrossed bill of the House of Representatives, to locate a state road from Williamsport, in Warren county, by the way of Lebanon and Chesapeake, to the state line.

To establish a state road in Vigo county.

To legalize the proceedings of the school commissioners of Sullivan county.

To extend the privileges granted to the Harrison and White Water bridge company.

Authorizing John Newby of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road.

A bill to locate a state road from where the Michigan road crosses Yellow river, by the way of the county seat of Laporte county, to the mouth of Trail creek.

To locate a state road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis, at Edinburgh, in Johnson county, by the way of Morgantown, in said Morgan county.

An act to legalize the proceedings of the Commissioner, appointed to mark and locate a state road from the town of Lagrange to Logansport

The following memorial and joint resolution of the House of Representatives, were read a third time and passed, viz:

A memorial of the General Assembly on the subject of the national road, and

A joint resolution on the subject of a rail road from the Mississippi river, to the city of Washington, also

An engrossed bill of the House of Representatives, entitled an act to amend the act to incorporate Hanover Academy, also.

A bill of the Senate to locate a state road leading from Danville to Montezuma.

Ordered, That the House of Representatives be informed of the passage of said bills and their concurrence requested in the amendments made to the bills, and to the bill of the Senate.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bill, entitled as follows, to wit:

An act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

I am directed to bring it to the Senate for the signature of their President.

Which having been signed by the President, were handed to the committee on enrolled bills, to be by them laid before the Governor.

Mr. Leviston, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bills, entitled acts and joint resolutions as follow, to wit:

An act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

An act to amend an act to appropriate part of the 3 per cent. fund, and for other purposes, approved Feb. 10, 1832.

A joint resolution to procure appropriations to construct a safe harbor, and to erect a light house at the mouth of Des Chemins, on Lake Michigan.

A memorial asking relief for William Warren,

And find the same truly enrolled.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill entitled, an act to authorize the Floyd circuit court to hold a special session, in which the concurrence of the Senate is requested.

Said bill was read twice by consent of the Senate, and
On motion, laid on the table.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Lemon moved to take from the table, for the purpose of putting on its passage the engrossed bill of the House of Representatives, entitled an act to authorize the Floyd circuit court to hold a special session.

Mr. Logan moved that the further consideration of said bill, be indefinitely postponed.

Which motion was decided in the negative.

On motion of Mr. Pennington, said bill was laid on the table.

The President laid before the Senate, the following communication from the Governor:

EXECUTIVE DEPARTMENT,
Indianapolis, 26th December, 1832.

THE HON. DAVID WALLACE,
President of the Senate:

Sir:—Douglass Maguire is the authorized bearer of any communication from the undersigned, to the branch of the Legislature over which you preside.

N. NOBLE.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

I am instructed by the Governor, to notify the Senate, that, on yesterday, a joint resolution requesting the Governor of Indiana to communicate with the Governor of Ohio, relative to the extension of the Wabash and Erie Canal, and

A memorial and joint resolution of the state of Indiana, soliciting aid to improve the great western thoroughfare, leading thro' this state, from Louisville, Kentucky, to St. Louis, Missouri, via Mount Pleasant, Washington and Vincennes, which originated in the Senate, received his approbation and signature.

On motion of Mr. Whitcomb, the Senate went into a committee of the whole, for the purpose of resuming the consideration of the bill to appropriate part of the 3 per cent. fund, and for other purposes and after some time occupied in the consideration of the same, the committee rose, and Mr. Fletcher, their chairman, reported said bill to the Senate with sundry amendments;

Which amendments were generally concurred in with the exception of the two following, viz:

"That all counties hereafter laid off, prior to the next general appropriation of the 3 per cent fund, shall be entitled on their organization, to the sum of five hundred dollars each, as provided for other counties in this act.

Mr. Graham moved to amend said amendment by adding after the words, 'laid off,' 'and organized;'

Which amendment prevailed, and the amendment as amended was adopted.

Mr. Farrington moved to amend the 10th section of the bill, by adding thereto the following proviso:

Provided nothing in this section shall authorize the Agent of the 3 per cent. fund, to deduct from the portion coming to the county of Sullivan, by virtue of this act, the amount of damages assessed in favor of certain citizens, of said count, in consequence of the location of the state road leading from Evansville to Terre Haute, and which damages were paid by said Agent, out of that part of said fund, appropriated for the improvement of the Wabash river.

Mr. Ewing moved to lay the bill and amendments on the table. Which motion did not prevail.

The question was then taken on the adoption of Mr. Farrington's amendment, to the 10th section of the bill, and

Those who voted in the affirmative, are

Messrs. Farrington, Frisbie and Lemon—3.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Feeny, Fletcher, Givens, Graham, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Logan, Long, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—26.

The question was then taken on concurring in the amendment reported in the committee of the whole to the 10th section of the bill.

The 10th section reads as follows:

If by any act of this session of the General Assembly, any money has been appropriated out of the 3 per cent. fund, to any county or any object or person, within the same, the Agent of said fund is hereby required to retain the amount of such special appropriation out of the appropriation herein made to such county paying over the remainder from time to time, to the commissioner of the same.

The proposed amendment was to insert, after the words General Assembly, the following:

Or at any previous session since 1824, that portion of said fund accruing to certain counties, and set apart to improve the Wabash river.

And on the question, shall said amendment be concurred in,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Feeny, Hendricks, Hillis, Hoover, Jessup, Leviston, Logan, Long, Orr, Pollock and Whitcomb—17.

And those who voted in the negative, are

Messrs. Farrington, Fletcher, Frisbie, Givens, Graham, Herod, Lemon, M'Carty, Morgan, Pennington, Robb and Wallace—12.

So said amendment was concurred in.

Mr. Whitcomb moved that said bill be recommitted to the standing committee on roads, with instructions to digest the same, and insert a provision empowering each board doing county business, where provision is not otherwise made in the bill, to appoint one or more commissioners, in their discretion, to superintend the application of the funds therein appropriated to their county, one of which commissioners only shall be authorized and required to receive such funds from the Agent of the 3 per cent. fund.

Which motion was carried in the affirmative, and the bill so committed.

And on motion,

The Senate adjourned.

FRIDAY, DECEMBER 28, 1832.

The Senate assembled.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bill, entitled an act, joint resolution and memorial, viz:

An act to amend an act to appropriate part of the 3 per cent. fund, and for other purposes, approved Feb. 10, 1832;

A joint resolution to procure appropriations to construct a safe harbor, and to erect a Light house at the mouth of Des Chemins, on Lake Michigan, and

A memorial asking relief to William Warren.

I am directed to bring them to the Senate, for the signature of their President.

The House concur in the amendment made by the Senate, to the engrossed bill the House, entitled an act to legalize the proceedings of the commissioner appointed to mark and locate a state road from the town of Lagrange to Logansport.

Said bill, joint resolution and memorial, having been signed by the President, were handed to the committee on enrolled bills, to be by them, presented to the Governor, for his approval and signature.

The following message, from the House of Representatives by Mr. Cravens, one of their members:

MR. PRESIDENT:

The House of Representatives agree to the third, and disa-

gree to the first and second amendments made by the Senate to the engrossed bill of the House, entitled an act to amend the act, entitled an act to incorporate Hanover Academy.

On motion of Mr. Dumont, the Senate receded from their first amendment proposed to said bill.

Mr. Dumont moved that the Senate recede from their second amendment to said bill, which reads as follows:

That it shall be one of the fundamental principles of said college, that the course of instruction shall be upon the manual labor system.

And on the question, will the Senate recede from said amendment?

Those who voted in the affirmative, are

Messrs. Clark, Dumont, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Jessup, Leviston, Pennington, Pollock and Robb—13.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Ewing, Farrington, Feeny, Fletcher, Givens, Hoover, Lemon, Logan, Long, M'Carty, Morgan, Orr, Wallace and Whitcomb—17.

So the Senate did not recede from said amendment.

Mr. Morgan moved that the Senate insist on said second amendment, and

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Ewing, Farrington, Feeny, Fletcher, Givens, Hoover, Lemon, Logan, Long, M'Carty, Morgan, Orr, Wallace and Whitcomb—17.

And those who voted in the negative, are

Messrs. Clark, Dumont, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Jessup, Leviston, Pennington, Pollock and Robb—13.

So the Senate insisted on said second amendment.

Ordered, That the House of Representatives be informed thereof.

Mr. Long presented the petition of Elihu Davis and others, cit-

izens of Henry county, praying the establishment of a state road from the national road, at or near Louisville, Henry county, running thence in a north western direction, through Greensboro, to intersect the state road leading from New Castle to Lafayette, at or near Middletown, on Fall creek;

Which was read, and

On motion of Mr. Long, referred to the committee on roads.

Mr. Pennington, from the committee on elections, to which was referred a resolution, inquiring into the expediency of so amending the 20th section of the act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, so as to vest the power in the board doing county business, to appoint overseers of the poor, fence viewers and supervisors of roads, instead of their being elected, as now provided by law in the several townships, reported a bill in accordance with said resolution;

Which was read and passed to a second reading.

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing them to inquire into the propriety of amending the act incorporating congressional townships, and providing for public schools therein, so that the board doing county business in the respective counties of this state, be authorized, on application of five qualified voters of such township, to give notice at any time, that the citizens of any congressional township, wishing to change their vote in any case wherein they may have voted against a sale of the school section therein. may and shall meet and vote on that subject, for or against a sale, and that said committee further inquire into the expediency of extending the time of leases, or letting leases, for a longer time than eight years, have, according to order, had the same under consideration, and a majority of said committee have directed me to report, that it is inexpedient to legislate further upon that subject, and they ask leave to be discharged from the further consideration of the subject.

Which was read, and

On motion of Mr. M'Carty, laid on the table.

Mr. Fletcher, from the committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the law regulating mortgages, so as to render the

proceedings thereon more simple, less expensive, and at the same time securing the rights of the parties concerned, have considered the subject presented in the resolution, and have directed me to report a bill in conformity therewith, entitled a bill to foreclose mortgages and to convey real estate, held by deed of trust.

Which was read and ordered to a second reading on to-morrow.

Mr. Dumont, from the judiciary committee, to which was referred so much of the Governor's message as relates to the Miami Indians, and an exercise of jurisdiction over them, reported, that a majority of said committee, considered it inexpedient to legislate upon that subject, and had directed him to ask to be discharged from the further consideration of the subject.

Which was read and the committee discharged.

Mr. Dumont, from the committee on the judiciary, to which was referred a resolution, inquiring whether it would be consistent with policy and justice, to enact a general law, for the change of venue in criminal cases, reported a bill amendatory to an act prescribing the mode of changing the venue.

Which was read and passed to a second reading on to-morrow.

Mr. Fletcher, from the committee on the judiciary, made the following report:

The committee on the judiciary, to which was referred a bill for the abolition of imprisonment of female debtors, have had the same under their consideration, and have directed me to report the bill back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

Which was read and the committee discharged.

Mr. Dumont moved to re-commit said bill to the judiciary.

Mr. Whitcomb moved to lay said bill on the table.

Which was decided in the affirmative.

Mr. Lemon, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the act entitled an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1832, have had the same under consideration, and instructed me to report by bill, entitled a bill to amend an act entitled an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1832.

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Lemon, from the committee on the affairs of the state prison, made the following report, viz:

MR. PRESIDENT:

The committee on the affairs of the state prison, to which was referred the report of the superintendent of the state prison, have had the same under consideration, and also two reports of the visitor to said prison, and are of opinion that the 6th and 7th sections of an act for the regulation of the state prison, approved Feb. 10, 1831, have not been strictly complied with, as there seems to have been no report, as provided for by the 6th section of said act, and only one report as provided by the 7th section, when semi-annual reports are required by the two sections above named. Your committee are of opinion that the superintendent of the state prison, has discharged most of the duties required of him by law, but must be permitted to say, that they understand the act, relative to crime and punishment, approved Feb. 10, 1831, to mean that the convicts shall be confined in the state prison. Your committee beg leave to submit the second report of the visitor to the state prison, upon which, a part of this report is predicated, and ask to be discharged from the further consideration of said subject.

STATE OF INDIANA, DEC. 11, 1832.

To His Excellency Noah Noble,

Sir:—In conformity with the law, requiring the visitor to the state prison, to make two visits, in the course of the year, to the said prison, and to report to the Governor, I beg leave to submit the following:

I made my second visit to the state prison, on the 16th of November, and discovered but few changes since my first visit in June. The number of convicts had increased fifteen in number, making, in the whole, fifty-six, all of whom, are confined, during the night, in twelve cells. The law requires that each convict shall be confined, at night, in a separate cell, and that during the day, he shall be imprisoned at hard labor, in the state prison, when in fact, they are not only permitted to work in the town of Jeffersville, but some of them have been employed in carrying brick, during the summer and fall, to Louisville. The superintendent, in compliance with my suggestions in June, in regard to the erection of an additional building, for the purpose of providing a cell for each convict, has procured the necessary rock, and contemplates

the commencement of the work, early next spring. I would at this time, suggest the propriety of exchanging the half acre of land belonging to the state, which lies on the west, and contiguous to the state prison, for an equal quantity of land on the north, and equally contiguous.

I recollect nothing more which I thought worth communicating.

Respectfully, your ob't serv't.

WM. B. SLAUGHTER, Vis. S. P.

To His Excellency Noah Noble.

Which report was read, and

On motion of Mr. Lemon, laid on the table.

The President laid before the Senate, a communication from the Secretary of State, covering the second semi-annual report of James Kegwin, superintendent of the state prison;

Which was read, and

On motion of Mr. Pennington, referred to the committee on the affairs of the state prison.

The President laid before the Senate, a communication from the Auditor of Public Accounts, in answer to a resolution of the Senate, relative to the account of the Collector of Switzerland, for 1825 and 1826;

Which was read, and

On motion of Mr. Dumont, placed on file with the bill for the relief of Vincent Dufour.

Mr. Hendricks, from the committee on roads, made the following report:

Your committee, to which was referred a bill for the relief of Lismund Basye, read twice and referred to the standing committee on roads, have, according to order, had the bill under consideration, and are of opinion that the bill is ample in its provisions, and such as will effect the objects for which it is intended, therefore report the bill back, without amendment, and ask to be discharged from the further consideration of the subject.

Which was read and the committee discharged.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Blair, from the select committee, to which was referred an engrossed bill of the House of Representatives, changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois, reported that they have considered the subject referred to them, and have directed him to report the same back to the Senate, without amendment. and the committee ask to be discharged from the further consideration thereof.

Said bill was then ordered to a third reading for to-morrow.

On motion of Mr. Farrington,

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the act entitled an act for the relief of insolvent debtors, so as to require that a notice should be given by any person applying for the benefit of said act, of the time and place of such application, and also whether any further amendment is necessary to said act, with leave to report by bill or otherwise.

On motion of Mr. Ewing,

Resolved, That the committee on roads, to which was referred a bill to appropriate part of the 3 per cent. fund, and for other purposes, be instructed to amend the same so as to expunge an amendment requiring the Agent of said fund, to retain in his hands, from the special appropriations made to each county, any sum paid by him, out of the accruing portions set apart in 1824, to improve the Wabash river, and to insert the following section in lieu of said amendment, viz:

Sec. — That if the fund set apart in 1824, accruing from certain portions of the 3 per cent. fund and appropriated, to improve the Wabash river, should at any time be diverted from that object, and be distributed among, or revert to the several counties to which the same originally belonged, under the act passed in 1821, appropriating \$100,000, the equal appropriation, in this act, allowed to Sullivan county, without requiring the state Agent to retain the sum paid in 1825, on account of damages awarded in said county, out of the fund aforesaid, which had been previously set apart to improve said river, shall not exonerate the portion of said fund to become due to said county, on a division thereof, from being subject to such fair deduction, for the payment of said damages, as equal justice and right may require, to secure to each of the counties concerned, its proper share of said fund.

Mr. Farrington moved to amend said resolution, by striking all out from the words 'Wabash river.'

But before the question was taken,

Mr. Blair moved to lay said resolution on the table,

And the ayes and naes being demanded,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Farrington, Fletcher, Givens, Graham, Hanna, Hendricks, Hillis, M'Carty, Orr, Pennington, Pollock, Wallace and Whitcomb—17.

And those who voted in the negative, are

Messrs. Clark, Ewing, Feeny, Frisbie, Herod, Leviston, Logan, Morgan and Robb—9.

So said resolution was laid on the table.

On motion of Mr. Logan,

Resolved, That the committee on education be instructed to inquire into the expediency of memorializing Congress in behalf of the citizens of such congressional townships in our state, in which the sixteenth section cannot be sold for \$1 25 per acre, in consequence of the little value thereof, requesting Congress to grant to the citizens of such township, a section of good land, in lieu of such sixteenth section, with leave to report by memorial or otherwise.

On motion of Mr. Fletcher,

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law, that the several boards doing county business, shall require their clerk to keep all entries and records, in relation to the county seminary and seminary funds, in a separate book, with an index, referring to each entry made therein, with leave to report by bill or otherwise.

On motion of Mr. Logan,

Resolved, That the committee on roads, to which was recommended a bill, appropriating five hundred dollars of the 3 per cent. fund, to each county in this state, insert the following, as an additional section to said bill:

Sec. — That the sum of five hundred dollars of the 3 per cent. fund, appropriated to the county of Washington, be, and is hereby applied, as follows: one hundred and seventy-five dollars, for the improvement of so much of Mauk's ferry state road, as lies between Salem, in said county, and the top of the Muscatituck hill; that the further sum of one hundred and seventy dollars, be, and the same is hereby applied for the improvement of so much of the Jeffersonville state road, as lies between the town of Salem and the southern line of said county of Washington; that the sum of seventy-five dollars, be applied to the improvement of the New Albany and Vincennes state road, on that part of said road which lies within the county of Washington, and that the sum of eighty dollars, be applied to the improvement of the White river hill, on the state road leading from Bloomington via Leesville and Spark's ferry, to the Mauk's ferry state road, at or near William Logan's, in the said county of Washington, and the board of commissioners of said county, be and they are hereby authorized, to appoint a commissioner to draw and a commissioner or commissioners to expend the aforesaid sum of five hundred dollars, as directed in this act.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

Mr. PRESIDENT:

The House of Representatives insist upon their disagreement to the second amendment of the Senate, to the engrossed bill of the House, to amend the act entitled, an act to incorporate Hanover Academy.

Messrs. Palmer and Rariden have been appointed, on the part of the House, a committee of free conference, to take into consideration, with a similar committee of the Senate, the disagreeing vote of the two Houses, on the said amendment.

Mr. Logan moved that the Senate continue to insist on the second amendment named in said message, and that a committee of free conference be appointed on the part of the Senate, to act with the committee appointed on the part of the House of Representatives, for that purpose.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Ewing, Farrington, Feeny, Fletcher, Givens, Hillis, Hoover, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Orr, Robb, Wallace and Whitcomb—20.

Those who voted in the negative, are

Messrs. Clark, Dumont, Frisbie, Graham, Hanna, Hendricks, Herod and Pollock—8.

So the Senate continue to insist on said amendment.

Ordered, That Messrs. Logan and Whitcomb be the committee of conference, on the part of the Senate, and that the House of Representatives be informed thereof.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Dumont,

Resolved, That the committee on the state prison be instructed

to inquire what remedies are necessary to secure a strict obedience to the laws, regulating the state prison, with leave to report by bill or otherwise.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day, presented to his Excellency the Governor, for his approval and signature, the following bills, entitled acts and joint resolutions, to wit:

An act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

An act to amend an act to appropriate part of the 3 per cent. fund, and for other purposes, approved Feb. 10, 1832.

A joint resolution to procure appropriations to construct a safe harbor, and to erect a light house at the mouth of Des Chemins, on Lake Michigan.

A memorial asking relief for William Warren,

The Senate proceeded to the consideration of the orders of the day.

The engrossed bill of the House of Representatives, entitled an act to establish a certain state road therein named,

Was read a second time, and

On motion of Mr. Morgan, laid on the table.

The bill of the Senate, supplemental to the act subjecting real and personal estate to execution, approved Feb. 4, 1831,

Was read a second time, and

On motion of Mr. Ewing, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill of the Senate, to locate a state road from Stilesville, by way of New Maysville, to Crawfordsville,

Was read the second time, and ordered to be engrossed for a third reading.

The bill of the Senate, to amend the act entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831,

Was read the second time, and ordered to be engrossed for a third reading.

An engrossed bill of the House of Representatives, entitled an act to re-locate part of the state road, leading from Spencer, in Owen county, to Danville, in Hendricks county,

Was read the second time, and ordered to a third reading on to-morrow.

The bill of the Senate, to amend an act to regulate marriages, approved Feb. 4, 1831,

Was read the second time, and

On motion of Mr. Lemon, referred to the committee of the whole Senate, and made the order of the day for to-morrow.

An engrossed bill of the House of Representatives, to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington, in Monroe county.

An engrossed bill, entitled an act to establish a state road from the Ohio line, to Baton, near the west boundary of Wayne county.

An engrossed bill, entitled an act regulating divorces, approved Jan. 17, 1831, and

An engrossed bill supplemental to an act entitled an act to establish a state road from the county seat of Grant, to the county seat of Elkhart county,

Were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof and their concurrence to those of the Senate requested.

On motion of Mr. Dunnont, the Senate resolved themselves into a committee of the whole, on the bill for the relief of Vincent Dufour, and after some time spent therein, Mr. Graham reported the same to the Senate with an amendment.

Which was concurred in.

Ordered, That the bill be engrossed with its amendments, for a third reading.

On motion of Mr. Logan, the Senate, according to order, resolved themselves into a committee of the whole, on the bill, supplemental to an act for the relief of the poor, approved Feb. 10, 1831, and after some time spent therein, Mr. Hanna reported the same to the Senate without amendment.

Mr. Whitcomb moved to recommit the bill to the committee of ways and means, with instructions to amend the same, by dividing the state into districts, of several counties each, and providing for the erection, in each district, of an Asylum for the reception and maintenance of the poor, belonging to the proper districts, to be subject to the superintendence of a suitable person, responsible to the proper authorities, and with such other provisions as may be necessary to form a humane, economical and responsible system, for the comfort and maintenance of the poor, as contemplated by the constitution.

Mr. Pennington moved to amend, by adding the following:

Except such counties as are already provided with Asylums.

Which was accepted by the mover.

On the question of so recommitting said bill,

The ayes and naes being demanded,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Ewing, Farrington, Fletcher, Givens, Graham, Hendricks, Logan, Morgan, Pollock, Robb, Wallace and Whitcomb—14.

And those who voted in the negative, are

Messrs. Chambers, Clark, Dumont, Feeny, Frisbie, Hanna, Herod, Hillis, Hoover, Leviston, Long, M'Carty, Orr and Pennington—14.

So said bill was not recommitted.

Mr. Lemon moved to recommit said bill to the committee of ways and means, without instructions.

Which motion was determined in the negative.

Mr. Frisbie moved to reconsider the vote taken on the motion of Mr. Whitcomb.

Which was decided in the negative.

The question was then taken on engrossing said bill for a third reading.

And it was decided in the negative.

And on motion,

The Senate adjourned.

SATURDAY, DECEMBER 29, 1832.

The Senate assembled:

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that they concur in the report of the committee of free conference, appointed to take into consideration, the disagreeing vote of the two Houses, upon the second amendment of the Sen-

ate, to the engrossed bill of the House, entitled an act to amend the act entitled an act to incorporate Hanover Academy.

The House have passed an engrossed bill, entitled an act to amend an act entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831.

In which the concurrence of the Senate is requested.

Said bill was read.

Mr. Frisbie moved that the rules of the Senate be dispensed with, and the bill be read a second time now.

Which motion did not prevail.

Ordered, That said bill pass to a second reading on Monday next.

Mr. Logan, from the committee of free conference, appointed on yesterday, now made the following report, viz:

MR. PRESIDENT:

The committee of free conference, appointed by the Senate, to act with a similar committee, on the part of the House, to take into consideration, the vote of the House, disagreeing to an amendment of the Senate, to the bill amendatory of an act entitled an act to extend the powers of the Hanover Academy, approved Feb. 2, 1832, have, according to order, had the same under consideration, and a majority of them have directed me to report the following, as a substitute for the amendment aforesaid, that is to say:

Sec. — The students in said college, of sufficient bodily ability, shall, during the time they continue as such, be exercised and instructed, in some species of mechanical or agricultural labor, in addition to the scientific and literary branches, there taught, and the trustees shall annually report to the Legislature, the plan, progress and effects of such agricultural and mechanical exercise and instruction, upon the health, studies and improvement of the students.

Which report having been read, was concurred in.

Mr. Long moved to correct the Journal of yesterdays proceeding, so as to shew the act of the Senate, on the motion of Mr. Hillis, to amend the Journal of Thursday, after the reports of standing and select committees had been made.

Which motion was decided in the negative.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills, entitled acts and joint resolutions, as follow, to wit:

An act to legalize the proceedings of the commissioner appointed to mark and locate a state road from the town of Lagrange to Logansport;

An act authorizing John Newby, of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road;

A memorial on the subject of the National road;

An act to locate a state road from Williamsport, in Warren county via Lebanon and Chesapeake to the state line.

An act to locate a state road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis at Edinburgh, in Johnson county via Morgantown in said Morgan county;

An act to establish a state road in Vigo county;

An act to legalize the proceedings of the school commissioner of Sullivan county;

An act to locate a state road from where the Michigan road crosses Yellow river, by the way of the county seat of Laporte county, to the mouth of Trail creek;

A joint resolution on the subject of a rail road from the Mississippi river to the City of Washington;

An act to extend the privileges granted to the Harrison and White Water bridge company,

And find the same truly enrolled.

Mr. Logan presented the petition of J. M. Lemon and others, citizens of Washington county, praying certain relief, on the subject of a state road, named in said petition.

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Fletcher, from the judiciary committee, made the following report, viz:

The committee on the judiciary, to which was referred a resolution of the Senate, requesting an inquiry into the expediency of authorizing, on the part of the state, a subscription for a number of the copies of the second volume of Blackford's Reports, of the decisions of the Supreme Court of this State, have had the subject under their consideration, and have directed me to report a joint resolution thereon, entitled a joint resolution, authorizing the subscription for the second volume of Blackford's Report.

Which was read and passed to a second reading on Monday next.

On motion of Mr. M'Carty, the report of the committee on education, on the subject of Congressional townships, was taken from the table, and

On motion of the same gentleman, said report was recommitted to the same committee, with instructions to report a bill pursuant to the resolution or so much thereof, as relates to sections which have not been leased, that the trustees be authorized to give leases for longer terms than eight years, in the event they cannot be obtained for that term, and in the event of a vote for sales, they shall be made subject to any lease or leases previously made or given.

Mr. Hendricks, from the committee on roads, to which was referred the petition of Samuel Stalcup and others, citizens of Orange county; now reported a bill to change a part of the state road from Levenworth's mill, to Orleans, in the county of Orange.

Which was read and passed to a second reading on Monday next.

On motion of Mr. Pennington, the following resolution was adopted:

Resolved, That when the Senate adjourns, it will adjourn to Monday morning at the usual hour.

Mr. Pollock submitted for adoption, the following resolution:

Resolved, That the committee on canals and internal improvements, be instructed to inquire into the expediency of memorializing Congress, to authorize the purchase, by the General Government, of the stock in the Louisville and Portland Canal, which is now owned by private individuals, and that said Canal be made a common highway, forever free, as well to the inhabitants of this state as to the citizens of the United States, agreeably to the Ordinance of Congress of the 13th of July, 1787, with leave to report by resolution or otherwise.

And on the question of adopting said resolution,

Those who voted in the affirmative, are

Messrs. Blair, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks, Herod Hillis, Hoover, M'Carty, Morgan, Orr, Pennington, Pollock, Wallace and Whitcomb—21.

And those who voted in the negative, are

Messrs. Beard, Chambers, Clark, Jessup, Lemon, Leviston, Logan and Robb—8.

So said resolution was adopted.

Mr. Orr presented for consideration, the following resolution, viz:

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to report a bill providing for the sale of the Ferry house, and at least one acre of the ground reserved for the purpose of a Ferry across White river at Indianapolis, so soon as the Bridge across said river, shall be ready for the transportation of passengers.

Mr. Hillis moved to amend the resolution, by directing the inquiry into the expediency of the proposed sale, and thus amended, the resolution was adopted.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

I am instructed by his Excellency the Governor, to notify the Senate, that he did, on this day, approve and sign a bill, entitled,

An act to amend an act to appropriate part of the 3 per cent. fund, and for other purposes, approved Feb. 10, 1832, and

A joint resolution to procure appropriations to construct a safe harbor, and to erect a Light house at the mouth of Des Chemins, on Lake Michigan.

Both of which originated in the Senate.

On motion of Mr. Feeny, the following resolution was adopted:

Resolved, That the judiciary committee inquire into the expediency of passing an act for the benefit of John Burks, in reference to the conveyance of certain real estate.

On motion of Mr. Morgan, the bill from the House of Representatives, entitled an act to establish a certain state road therein named, was taken from the table, amended, the amendment ordered to be engrossed and with the bill read a third time on Monday next.

And on motion,

The Senate adjourned.

MONDAY, DECEMBER 31, 1832.

The Senate assembled.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, &c. I am directed to bring them to the Senate for the signature of their President, to wit:

An act to locate a State road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis, at Edinburgh in Johnson county, by the way of Morgantown, in said Morgan county;

An act to legalize the proceedings of the commissioner appointed to mark and locate a state road from the town of Lagrange, in Tippecanoe county, to Logansport, in the county of Cass, by an act approved Feb. 3, 1832;

An act to locate a state road from where the Michigan road crosses Yellow river, by the way of the county seat of Laporte county, to the mouth of Trail creek;

An act to establish a state road in Vigo county;

A memorial on the subject of the National road;

An act to locate a state road from Williamsport, in Warren county, by the way of Lebanon and Chesapeake, to the state line;

An act to legalize the proceedings of the school commissioner of Sullivan county;

A joint resolution on the subject of a rail road from the Mississippi river to the city of Washington;

An act to extend the privileges granted to the Harrison and White Water bridge company, and

An act authorizing John Newby of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road.

Mr. Morgan presented the petition of Wm. J. Brown and others, citizens of Rush county, praying the establishment of a State Bank and Branches;

Which was read and laid on the table.

Mr. Pollock presented the petition of Zedekiah A. Benham and others, of Dearborn and Ripley counties, praying the location of a certain state road;

Which was read, and

On motion of the same gentleman, was referred to the committee on roads.

Mr. Hillis presented the petition of John Anderson and others, citizens of Jefferson county, praying the repeal of the usury law;

Which was read and laid on the table.

Mr. Clark presented the petition of John Smith and others, citizens of Carroll county, praying the opening of a certain road therein named;

Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Clark presented the petition of George Malcom and others, citizens of the counties of Tippecanoe, Carroll and Cass, praying the establishment of a Land office for the sale of canal lands, at Logansport;

Which was read, and

On motion of the same gentleman, referred to the committee on canals and internal improvements.

Mr. Clark presented the petition of William M. Rayburn and others, praying the passage of a law, for the organization of the county of Miami;

Which was read, and

On motion of the same gentleman, referred to the committee on the judiciary.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing them to inquire into the expediency of passing a special act for the benefit of John Burks, in order to invest him with the title to certain real estate, now belonging to his infant son, by a deed of conveyance from one Samuel Smith, have had the subject so referred, under their consideration, and the committee are unanimous, in the opinion, that any legislative act, pretending to divest the present owner of the title to the land, would be a law directly impairing the validity of a contract, unconstitutional and void; therefore they ask to be discharged from a further consideration of the resolution.

Which having been read, the committee were discharged.

Mr. Fletcher, from the same committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the 9th section of an act for the prevention of frauds and perjuries, approved Jan. 24, 1831, so that the husband and wife shall be entitled to convey real estate of the wife, when she is of the age of eighteen years or that she be able to make a deed of relinquishment of her right of dower, whenever she arrives at that age, have had the same under their consideration, and a majority of the committee have directed me to report, that it is inexpedient to make any alteration or amendment to our present law on the subject presented in the resolution, and ask, therefore, to be discharged from a further consideration of the resolution; which,

On motion of Mr. McCarty, was laid on the table.

The committee, by the same gentleman, made the following report, viz:

The committee on the judiciary, have had under consideration a resolution of the Senate, directing them to inquire into the expediency of repealing so much of the act regulating grist mills and millers, approved Feb. 10th, 1831, as interferes with the right of every owner of any water stream or horse mill erected or constructed upon his own land, and with his own means without any public grant, favor or immunity, from making such contract with his customers, as the parties may agree upon, have had the resolution under consideration, and have directed me to report that they deem it inexpedient to legislate upon the subject, and therefore ask to be discharged from a further consideration of the resolution.

Which having been read, the committee were discharged.

Mr. Frisbie, from the same committee, to which had been referred a resolution, inquiring into the propriety of enacting a law, authorizing the foreman of grand jurors, to administer oaths to witnesses brought before them for examination now reported.

A bill to amend an act entitled an act to regulate the mode of summoning and empannelling grand and petit jurors, approved Jan. 29, 1831;

Which was read twice and laid on the table.

Mr. Dumont, from the same committee to which had been referred a resolution of the Senate, on the subject of the law of libel, now reported, that in the opinion of a majority of the committee, it was inexpedient at this time, to make any change in the law, on the subject of libels, and asked to be discharged from the further consideration of the subject,

And, on motion the committee were discharged.

Mr. Whitcomb, on leave granted, presented the petition of John W. Lee, praying certain relief, also the report of the said J. W. Lee, on the subject of Jackson's lick, in Monroe county;

Which were read, and

On motion of Mr. Whitcomb, referred to the committee on claims.

Mr. Pollock, from the committee on the affairs of the town Indianapolis, to which had been referred an engrossed joint resolution relative to the public ferry at Indianapolis, now reported the said bill without amendment, and asked to be discharged from the further consideration of the subject, and

On motion, the committee were discharged.

Said joint resolution was ordered to a third reading.

Mr. Long introduced a bill to establish a county line between the counties of Madison, Hancock and Henry;

Which was read and ordered to a second reading.

On motion of Mr. Orr, the bill establishing a state bank, was taken from the table.

Mr. Pennington moved that said bill be referred to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. McCarty moved that the reference be made the order of the day for Wednesday next.

A division of the question was called for, and the question of committing the bill, was carried in the affirmative.

The question recurred on making it the order of the day for Wednesday;

Which was carried in the affirmative.

The Senate proceeded to the consideration of the orders of the day.

The joint resolution, authorizing the subscription for the second volume of Blackford's reports,

Was read a second time.

Mr. Logan moved that the further consideration of said joint resolution be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Hoover, Leviston, Logan, Long, Pennington and Pollock—7.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Lemon, McCarty, Morgan, Orr, Robb, Wallace and Whitcomb—21.

So said joint resolution was not postponed.

Mr. Pennington moved to amend said resolution, by striking out therefrom, the words 'and fifty.'

Which motion was decided in the negative.

Ordered, That the bill be engrossed for a third reading.

The bill amendatory of the act entitled, an act prescribing the mode of changing the venue,

Was read a second time, and

On motion of Mr. Graham, referred to the committee of the whole and made the order of the day for to-morrow.

The bill to amend the act entitled an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1833,

Was read a second time, and

On motion of Mr. Graham, laid on the table.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Dumont, on leave granted, and having obtained a suspension of the orders of the day, presented the petition of B. B. Benham and others;

Which was read and laid on the table.

Mr. Dumont also presented the petition of Joseph Crulp and others, praying that a certain road might be declared a state road;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Dumont, Pollock and M'Carty, compose said committee.

Mr. Whitcomb, on leave granted, presented the petition of Charles Harrah and others, citizens of Monroe and Owen counties, also the remonstrance of David H. Maxwell and others, citizens of the same counties;

Which were read, and

On motion of the same gentleman, were referred to the committee on roads.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts and joint resolutions, to wit:

An act authorizing John Newby of Jackson county, to expend certain monies appropriated out of the 3 per cent. fund, on the Madison and Brownstown state road;

An act to extend the privileges granted to the Harrison and White Water bridge company;

A joint resolution on the subject of a rail road from the Mississippi river, to the city of Washington;

An act to legalize the proceedings of the school commissioner of Sullivan county;

An act to locate a state road from Williamsport, in Warren county via Lebanon and Chesapeake, to the state line;

A memorial on the subject of the national road;

An act to establish a state road in Vigo county;

An act to locate a state road from where the Michigan road crosses Yellow river via the county seat of Laporte county, to the mouth of Trail creek;

An act to legalize the proceedings of the commissioner appointed to mark and locate a state road from the town of Lagrange, in Tippecanoe county, to Logansport, in the county of Cass, by an act, approved Feb. 3d, 1832, and

An act to locate a state road from Martinsville, in Morgan county, to intersect the state road leading from Madison to Indianapolis. at Edinburgh, in Johnson county via Morgantown, in said Morgan county.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to re-locate part of the state road leading from Spencer, in Owen county, to Danville in Hendricks county;

An act to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington, in Monroe county, and

An act to amend the act entitled, an act to incorporate Hanover Academy,

And find the same truly enrolled.

The consideration of the orders of the day was resumed.

A bill to change a part of the state road from Levenworth's mill, to Orleans, in the county of Orange,

Was read a second time and ordered to a third reading.

A bill to foreclose mortgages and to convey real estate, held by deed of trust,

Was read a second time, and

On motion of Mr. Morgan, referred to a committee of the whole Senate, and made the order of the day for to-morrow.

The following bills to wit:

To amend the act entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

For the relief of Vincent Dufour, heir of John James Dufour, deceased;

To establish a certain state road therein named;

For the relief of Lismund Basye;

To locate a state road from Stilesville, by the way of New Maysville, to Crawfordsville;

To locate a state road from Green Castle, in Putnam county, to Carlise, in Sullivan county, by the way of Manhattan in Putnam county and Bowlinggreen and New Brunswick, in Clay county;

Changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois,

Were severally read a third time and passed.

On motion of Mr. Whitcomb, the Senate went into a committee of the whole, for the purpose of taking into consideration, a joint resolution of the General Assembly, relative to the public lands, and after some time occupied in the consideration of the same, the committee rose, and Mr. Hendricks, their chairman, reported the same with an amendment.

Which was concurred in.

Ordered, That said joint resolution be engrossed for a third reading.

On motion of Mr. Blair, the Senate went into committee of the whole, to take into consideration a bill for the inspection of certain articles therein enumerated, and after some time occupied in the consideration of the same, the committee rose, and Mr. Herod, their chairman, reported the said bill with an amendment;

Which was concurred in.

Mr. Feeny moved that said bill be recommitted to a select committee.

On motion of Mr. Hillis, said bill was laid on the table.

And on motion,

The Senate adjourned.

TUESDAY, JANUARY 1, 1833.

The Senate assembled.

The following message, from the House of Representatives was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, to wit:

An act to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington in Monroe county;

An act to amend the act entitled, an act to incorporate Hanover Academy, and

An act to re-locate part of the state road leading from Spencer, in Owen county, to Danville, in Hendricks county.

I am directed to bring them to the Senate, for the signature of their President.

Which having been signed by the President, were handed to the committee on enrolled bills, to be by them laid before the Governor.

Mr. Pennington presented the petition of Michael R. Rhodes and others, praying certain relief on the subject of a state road from New Albany via Corydon to Princeton;

Which was read, and

On motion of the same gentleman, referred to the same select committee to which a bill on the same road had been referred.

Mr. Lemon, from the committee on the state prison, now reported, that the superintendent of said prison, has made a second report as required by the 7th section of an act for the regulation of the state prison, approved Feb. 10, 1831, and that there has been one report made in place of semi-annual reports, as required by the 6th section of the act for the regulation of the state prison.— They ask to be discharged from the further consideration of this branch of the subject;

Which, having been read, the committee were discharged.

Mr. Orr, from the joint committee on public building, to which so much of the Governor's message was referred, as related to the erection of a state house, now reported a bill supplemental to an act to provide for the erection of a state house;

Which was read and passed to a second reading to-morrow.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day, presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to establish a state road from Napoleon, in Ripley county via Camden, Newbern and Columbus, in Bartholomew county, to Bloomington, in Monroe county;

An act to amend the act entitled an act to incorporate Hanover Academy;

An act to re-locate part of the state road leading from Spencer, in Owen county, to Danville in Hendricks county.

Mr. Ewing, from the select committee, to which the subject had been referred, now made the following report:

The select committee instructed to inquire into the expediency of memorializing Congress to re-charter the Bank of the United States, or to create a National currency to be loaned to each state in proportion to the population thereof, at a small interest, upon a pledge of state obligations duly sanctioned by the proper state authorities—the comparative utility of a state fund, predicated upon the proceeds of the canal, school, Michigan road and salt spring lands, and managed by state commissioners with powers properly defined, to issue a limited paper currency good for all state purposes—the advantage of an issue of treasury notes, bearing 5 per cent. interest, and the propriety and utility of creating a partnership bank, to be named the State Bank, as provided in a proposed charter of incorporation, have had the same under consideration, and their free reflections constrain an expression of regret, that although they agree in the existing necessity to provide an increased circulating medium equal to metallic, for the present and future wants of our citizens, they cannot concur in opinion touching a measure best calculated to afford permanent relief, and thus to accomplish that important object. The seeming intricacy of the subject matter referred, and the deep and general interest involved, may readily account for various opinions; but as an increase to the active capital of the country is evidently required, and as this can be procured and the interesting object effected without any great hazard of entailing many evils and future difficulty upon the state, the cause of present disagreement will, it is hoped, soon disappear. A portion of your committee, having this fixed hope, throw out the views hereinafter expressed, to aid investigation. This course may in the end prove beneficial, as the contrariety of opinion fostered by other Senators of pure principles and much intelligence will call forth scrutiny, and as we highly respect their motives, while our judgments force us to dissent from their conclusion, the result of an examination may be satisfactory.

The instructions to your committee invoke much reflection.—They seem to encompass every consideration that touches the expediency of re-chartering the Bank of the United States, and the establishing of a National currency, with the comparative benefits of a state currency to be founded upon her faith and resources under the auspices of state direction; also the partnership company bank, with our state name, to be chiefly controlled by a few in-

viduals; and the *power* and the *policy* of either establishment, all come into inquiry. Your committee entertain no doubt of the *power* of Congress to establish a Bank of the United States; and as such an establishment is evidently required by the government, and necessary to promote the strength and prosperity of the Union, there will be no hesitancy, on their part, to call upon their representatives in Congress to exercise this salutary authority. If two thirds of the people's representatives in Congress will not prevent the contemplated destruction of a safe bank chartered by President Madison, disastrous consequences are apprehended, unless an abundant National currency be created immediately, based upon impartial and just principles, to accommodate every state that may desire its credit, or unless each state creates a safe circulating substitute of fixed value. It is the industrious and the enterprizing that most want and deserve credit, and the future destiny of many such men now in Indiana, may indeed become matter of fearful solicitude, if sordid speculation were again to be allowed to destroy confidence, and creditless notes were made to represent substantial property and labor. Even at this day, we are, as an *alternative*, called upon to arrest the operations of law respecting debtors; and we see many of our citizens subjected to enormous impositions and exactions for the use of money, when the Bank of the United States is condemned, in part, on account of foreign capital; and the General Government is paying off a nominal debt that bears only three per cent. interest, with money that should be sent into circulation to improve our rivers and roads! The land offices secure a large portion of the money that now reaches our state; and we have yet unsold and uncultivated millions of acres, far superior to some that is improved. An abundant and sound currency would soon increase our mechanics and manufacturers, and thus create a home market for our increasing products. By consuming needful articles manufactured in other states and other countries, our state cannot be made to thrive; but if she could supply the wants of the people, preserve for home circulation the means enticed by emigration, with a portion of what her surplus productions will command, then she would enjoy wealth and independence. Let a fixed credit and a safe circulating currency become stationary and comatable in our state, and then the farmer and mechanic can all prosper in concert.

But our constitution contemplates a state currency: and this might be advantageously effected by funding the lands mentioned in the reference, and adding thereto \$500,000 to be raised in money by a sale of five per cent. stocks, redeemable in fifty years, which would now command a large premium. That the lands mentioned are all devoted to particular objects, and the state acting as trustee for their application, is no objection to the course suggested. The fund would relieve the state obligations with great profit to all the interests concerned. This banking capital

added together, would amount to \$1,000,000, upon which two millions of bank paper might be safely issued. This plan is preferred in many points of view, to a partnership with individuals. It secures the faith of the state under a state agency, and all the advantages of making and loaning money to the people at large, to whom they should properly accrue; whereas the corporate power by express terms gives individual interests the controlling power, and rights of the state may, with her own consent, be thus jeopardized; indeed, the chief profits of the corporation may go beyond the state, to those who contribute nothing to support our state government. The constitution must have contemplated state benefit and state control, in authorizing a state bank and branches, and on the score of credit as well as safety, state banks are better than corporations. It is very well known that whatever power is given to a monied corporation will be used, and the obligations of law and morality are not always as obligatory upon their course as upon that of a state. The one is a self-poised power, whose principal rule of action is gain, or lucre; while the other is the offspring of the people's government, and subject to the surveillance of sworn officers of the people. The prevailing passions of the one would be avarice and ambition—of the other honor and justice.—The political and personal views which might insinuate themselves into a corporation, could find no secure resting place in the state agencies, and the access to the poor man for small sums, upon good personal security, would be more certain. A state bank should be a unit in responsibility, although its branches may sever in regulations. Let the agents or directors be annually elected, and not be eligible more than two years in succession; let the mother bank sign all the notes, that the state may be known as the ostensible obliger, and her situation be completely ascertained when necessary: and all sums over a certain amount to be loaned only on mortgages. These and similar regulations are essential to keep any monied state institution from acting upon politics, or interfering with elections for sinister and party purposes. If corporate copartnerships with banking powers be ever formed in the name of the state, to be controlled and managed by individual stockholders, and it should become the nucleus of a state aristocracy, the present gain to any portion of our citizens would result in a permanent loss. The country is most safe when the people's representatives hold constitutional power under the control of the people. They are capable of using it, and would not be allowed to abuse it long at any period. Banks are permitted rather from necessity than choice. They do not always make the poor poorer, but they certainly tend to make the rich more powerful. With banks, wealth is credit, and poverty discredit. As a general rule, the rich are accommodated to the exclusion of the poor, and not unfrequently the latter becomes the prey of the former by private exactions, for the use of the same money obtained from

bank by a rich man, because he is rich.. Thus misfortune and poverty are occasionally forced by circumstances to pay tribute to wealth, which is not a virtue. But necessity will sometimes sanctify error. The pressing pecuniary wants of many of the traders in this state at present, might induce a portion of them to sanction the issue of bank paper without observing consequences. It would cause many outstanding debts to be paid by changing the obligations, and many of such payments would only create a more pressing indebtedness.

An issue of treasury notes is brought to view in the instructions referred, as a dernier resort, to relieve the people. Were our state in debt, such an issue might be sanctioned; but as our state treasury is now possessed of surplus means, such paper would appear not as evidences of debt, but as "bills of credit," and be unconstitutional. That such paper was once sanctioned, when the finances of the state had a different aspect, may be the reason why some upright men think erroneously, that we could now resort to it. The question again recurs in relation to the matter referred, involving our adoption of measures to create a state currency upon our state credit; and our adoption of measures to induce the extension of a National currency. Which would be the most safe and advantageous to our interests, our institutions, our faith and integrity? Which would do the people the most good, and be liable to the fewest objections? The power to create a state currency is directed by the 10th article of our constitution, which clearly prohibits the incorporation of any banking "company," but allows a "state bank," with branches. The branches must control some individual stock subscriptions, and are to be established by the directors of the state bank. Two banks in possession of vested rights at the time our constitution was formed, were specially allowed to become state banks; and it is thought the special permission forbids the idea that any other banking institution, to be controlled and regulated by individual interests, can be constitutionally termed "a state bank." That the bank of the United States allowed monied stockholders to direct and manage its concerns, can afford no proper example. Our constitution is alone to be consulted. Indeed, the power of Congress in regard to a bank is a resulting power, it is not specially granted, but is used as a necessary means to the same end. That a "state" bank, in the proper and constitutional acceptance of the term, may be constituted with a capital of eight hundred thousand dollars, and be guarded against losses or abuse of trust, so as to ensure a certain and great gain, sufficient with existing means to sustain a perfect system of primary township free schools throughout our state, relieve the wants and encourage the honest enterprize of the people, equalize exchange, (as far as any state currency can effect that object) and afford a healthy and abundant circulating medium to trade. But to effect these important objects, it should be man-

ged by responsible public agents, and guarded by a strict accountability. A copartnership bank, no matter what name may be affixed to the charter, would not, as already stated, be universally viewed as constitutional; and conducted, as is provided in the proposed charter, by borrowers who in dealing may look more to the abundance of the currency for immediate use than to its durability and future value, with a certain adverse balance of trade against the state, is there not ground to fear that speculation would find it profitable in a few years to depreciate the issues, by cutting off the springs from which means to redeem were anticipated?—Let it be remembered that our state is mainly agricultural; that the chief riches of our population is drawn immediately from the soil; that wealth, however acquired, will rule the copartnership; that titles to a large portion of the best improved lands may be jeopardized, and then the effects of the speculation suggested, and the temptation to enter upon it!!! Would not Indiana in that case, resemble ancient Greece or Rome, with a population of rich nobles and poor plebians? Even the channels which should bring wealth to the state and sustain our public revenue, might be found glutted with the fluctuating evidences of a certain state debt; when, if the state creates a banking establishment and retains the controlling power and the accruing profits, she can allow her citizens to be happily served by impartial and judicious regulations, and at the same time enjoy a perfect and profitable security. It is said he is best served who pays best; and current bank paper will readily procure votaries. An unsafe currency, rendered a nominal standard of value by law, would soon encumber every citizen and every functionary of the government. Not long since it lessened public confidence in the legislative councils and in the judicial decisions of a sister state. This example alone, inculcates care and watchfulness for the happiness of the hardy and upright population of our young state. It calls to mind, and should cause us to reflect upon former copartnership establishments with our state; for those who are heedless of the past cannot be good judges of the future. The evil effects of a copartnership state bank paper currency, controlled by individuals under an act of incorporation, were experienced in this state at an early day. It almost demolished credit, impaired the validity of contracts, lessened confidence between man and man, and finally injured the credit of our state. Indeed, it also tended to increase the real wants of the people, inasmuch as the state of things it occasioned, required a much larger amount of active capital to do the same amount of business. The example of other states prove that when such junctures occur, all good money disappears, or finds its resting place eastward; the morals and industry of the country are deadened, profitable trade is obstructed, property depreciated and offences, the offspring of want, are sure to increase. A pecuniary pressure which, under common circumstances, would operate as an incen-

tive to honest effort and economical industry, has been known to produce, under an unsound currency, a total disregard of all obligations, and a listless, broken hearted indifference to the opinions of society. It is our duty to guard by every possible barrier against such a currency, and this is the time to do so. The present distress and alarm for want of money, owing, it is said, to the refusal of the President to extend the charter of the Bank of the United States, will cause the people to call for all the aid in our power to grant, which their comfort and welfare may essentially require, and sound policy dictates a favourable answer to their present calls for legislative interference, before suffering and discontent render them importunate. Of this there have been some symptoms already, and its extension might lead to the adoption of some ill digested remedy, that would extend the growth of avaricious cupidity, at a woful expense to the country. We are yet comparatively unaffected, and a proper and safe remedy can now be devised to suit the case, without allowing personal interest and ambition, the prevailing passions in individual banks, to have any viciating strength in the "state bank" of Indiana. These passions should never be allowed to secure themselves any footing where pecuniary favors, founded upon state credit, are to be dispensed. The institution we contemplate would give them no mastery; but on the contrary, as responsible state agents, render them subservient to the public good. It is not conceived to be necessary here, to point out our radical objections to many features of the bill to incorporate a copartnership bank, now on the table; and we have said enough in a general way, applicable to it and the other propositions brought under review. We shall now point out the course we view as most safe, under existing circumstances.

We believe that a national paper currency is preferable to any state emission, unless connected responsibility should exist, as the honor and faith of the Union inspires paramount confidence; and we believe Congress are fully competent to guard the action and organize the machinery of a national institution, so as to obviate all the objections and forebodings of its potent opponents. A national bank conducted in conformity to law by faithful officers, independent of the party policy and caprice of any future administration, and free of all the irresponsible mysticism of corporate power, loaning its paper to the states only, giving each its share pro rata, according to federal numbers, at a small premium for the credit of the Union, is a measure of national strength and united fraternity, that strongly recommends itself. Such an institution like the incomparable constitution of the United States, might, by the wisdom and foresight of its builders, be made to diffuse its blessings without alarm: and its conservative, and remedial principles would give it perfect security. By making the United States the obliger—the American people responsible for the redemption—the officers or directory, entirely independent of execu-

utive authority in every respect, any amount of paper equal to the demands of the country, might be safely put into circulation by the states. The United States issue the paper—the states manage and redeem it, when redemption be required; with a collateral guarantee from the Union, that she will receive or redeem the same, as may become necessary. Each state to pledge herself to the United States, to redeem her proportion; and then to loan the same upon such terms, and in such manner, as may be carefully provided by the several states, to suit their various circumstances. The United States having authorized and divided her paper among the states, as asked for, upon the basis above named, it would next become incumbent to construct the mode to send it into circulation with safety—and this may be done with perfect confidence and great advantage to the people. If content with a reasonable interest, say 6 per cent. per annum—state agencies with all proper restraints, may be appointed to loan it out secured by real estate: if gain influences, state banks may be organized, and it may be made to realize at least ten per cent. per annum. This can be effected by borrowing on stocks created bearing 5 per cent. interest, a sum equal to half the amount of the United States paper the state is entitled to receive: this half, equals banking specie capital, and two dollars of the paper may be loaned without any apprehension, for every specie dollar. The capital loaned in such paper would seldom return for redemption—and if it should, the circulation of two (that cost little) at banking interest, to one that cost 5 per cent. would bring in a clear income, upon a sound currency, of $7\frac{1}{2}$ per cent. on each dollar loaned, equal to fifteen upon each specie dollar and leaving ten after paying stock interest. By this arrangement both the general and state governments, would be mediately and immediately bound to redeem the issues, whilst the control of the funds would be in the hands of the state. This avoids the valid objection to a treasury bank, that it unites the purse with the sword, and will place the currency of the Union upon that unity of attachment and perfect equality, contemplated by the framers of her constitution, in all their relations.—We therefore respectfully recommend that an application be made to Congress to re-charter the bank of the U. States with such proper amendments as time and experience may have pointed out, and to advise our representatives to use their best efforts for that purpose: also to ask of Congress to authorize a board of independent commissioners, under proper restrictions, to issue a national currency upon the plan suggested in this report, to equalize exchange, which has been a burthen upon western trade and industry; and to afford the use thereof to the states as already intimated. We also recommend that provision be made for the immediate organization of a “state bank” with such copartnership branches as may be deemed necessary and proper—the capital to consist of \$800,000 at its origin; to be raised by a loan bearing

5 per cent. interest, redeemable in fifty years, founded upon the credit and faith of the state, and to be directed and managed by sworn state agents, held responsible by security for all their proceedings under the law—the profits to be devoted to pay state interest upon loans obtained, and to establish and sustain a system of primary schools throughout the state.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to locate a state road from Green Castle, in Putnam county, to Carlisle, in Sullivan county, by the way of Manhattan, in Putnam county and Bowlinggreen and New Brunswick, in Clay county;

An act changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois;

And find the same truly enrolled.

Mr. Fletcher moved to recommit the report made by Mr. Ewing, this morning, to the same select committee, with directions to report a bill and joint resolution, in accordance with the opinions advanced by a portion of said committee, as laid before the Senate, by the direction of said committee, on this day.

A division of the question being called for, the question was taken on re-committing the bill.

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Givens, Graham, Hanna, Hendricks, Herod Jessup, Lemon, Leviston, Logan, Long, Morgan, Orr, Pennington and Whitcomb—22.

And those who voted in the negative, are

Messrs. Chambers, Frisbie, Hillis, Hoover, Pollock and Robb—6.

So said bill was recommitted.

Mr. Pennington moved to amend said instructions, by striking out therefrom, 'a bill.'

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Feeny, Frisbie, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Morgan, Orr, Pennington and Whitecomb—15.

And those who voted in the negative, are

Messrs. Blair, Clark, Ewing, Farrington, Fletcher, Givens, Graham, Lemon, Leviston, Logan, Long, Pollock and Robb—13.

So said words were stricken out of the said instructions.

Mr. Whitcomb moved to reconsider the vote, amending said instructions.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Lemon, Leviston, Logan, Long, Robb and Whitcomb—16.

Those who voted in the negative, are

Messrs. Beard, Dumont, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Morgan, Orr, Pennington and Pollock—12.

So said vote was reconsidered.

The question recurring on amending the instructions, as proposed by Mr. Pennington,

Those who voted in the affirmative, are

Messrs. Beard, Feeny, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Morgan, Orr and Pennington—11.

And those who voted in the negative are,

Messrs. Blair, Chambers, Clark, Ewing, Farrington, Fletcher, Frisbie, Givens, Graham, Lemon, Leviston, Logan, Long, Pollock, Robb and Whitcomb—16.

So the Senate refused to amend said instructions.

And on the question, shall said instructions be given?

It was carried in the affirmative.

On motion of Mr. Hillis, Mr. Fletcher was added to the select committee, to whom said report was recommitted

Mr. Dumont, from the select committee, to which had been referred the petition of Joseph Culp and others, reported a bill to declare the post road, passing Allensville, in Switzerland county, a state road;

Which was read and passed to a second reading.

And on motion,

The Senate adjourned.

WEDNESDAY, JANUARY 2, 1833.

The Senate assembled:

Mr. Whitcomb presented the petition of Delana R. Eccles and others, citizens of Monroe county, praying an alteration in our present probate law;

Which was read, and

On motion of the same gentleman, referred to the judiciary committee.

Mr. Whitcomb presented the petition of Abednego Walden and others, praying certain relief;

Which was read, and

On motion of the same gentleman, referred to the committee on claims.

Mr. Hendricks, from the committee on roads, now reported a bill to locate a state road from Greensburgh by way of Hartsville to Columbus;

Which was read and passed to a second reading to-morrow.

Mr. Hendricks, from the committee on roads, to which the subject had been referred, now reported a bill to establish a state

read from the Ohio line, in Union county, to Richmond, in Wayne county;

Which was read and passed to a second reading to-morrow.

Mr. Whitcomb, from the same committee, made the following report, viz:

Mr. PRESIDENT:

The standing committee on roads, to whom was referred a resolution of the Senate, directing them to inquire whether any, and if any, what further provisions are necessary for the indemnification of persons through whose lands roads are located, with leave to report by bill or otherwise, have, according to order had the same under consideration, and have directed me herewith to report a bill entitled, a bill to provide for the indemnification of persons through whose lands roads are or may be located;

Which was read and passed to a second reading to-morrow.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

Mr. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, &c. I am directed to bring them to the Senate for the signature of their President, to wit:

An act to locate a state road from Green Castle, in Putnam county, to Carlisle, in Sullivan county, by the way of Manhattan in Putnam county and Bowlinggreen and New Brunswick, in Clay county, and

An act changing the direction of a road from Judge Lowrie's farm, to Paris, Illinois,

The House concur in the amendment proposed by the Senate, to the engrossed bill of the House, to establish a certain state road therein named.

They have passed an engrossed bill, which originated in the House, entitled, an act for the relief of John Conner;

In which bill, the concurrence of the Senate is requested.

Said bills having been signed by the President, were handed to the committee on enrolled bills, to be by them laid before the Governor.

The act for the relief of John Conner,

Was read and passed to a second reading.

Mr. Whitcomb, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of so amending the 64th section of the act entitled, an act regulating the practice in suits at law, approved Jan. 29, 1831, as to provide for a trial in the proper circuit court, of some causes at the next term thereof, subsequent to the reversal of the same in the Supreme Court, have, according to order, had the same under consideration, and have directed me to report a bill entitled, a bill to amend an act entitled, an act regulating the practice in suits at law, approved Jan. 29, 1831;

Which was read and passed to a second reading to-morrow.

Mr. Pollock, from the committee on Indianapolis affairs, made the following report:

MR. PRESIDENT:

The committee on the affairs of the town of Indianapolis, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of providing for the sale of the Ferry house and one acre of the ground reserved for the purpose of a Ferry across White river, at Indianapolis, have had the same under consideration, and directed me to report a bill, as follows, viz:

A bill supplemental to an act to authorize the agent of state, for the town of Indianapolis, to lay off the land belonging to the state into lots and offer the same for sale, approved Feb. 9, 1831;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Fletcher, the following resolution was adopted, viz:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the act incorporating Congressional townships and providing for public schools therein, approved Feb. 10, 1831, so as to make it the duty of the clerks of the first elections for trustees, in the several Congressional townships, to certify to the school commissioner, the names of such trustees, as well as that a majority of the qualified voters are in favor of a sale of the school section; also into the propriety of providing by law for the perpetuating the evidence of the elections of such trustees as have been elected under the existing law, with leave to report by bill or otherwise.

Mr. Whitcomb, from the judiciary committee, to which the subject had been referred, now reported a bill to amend an act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Herod, the following resolution was adopted, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, so that in all trials before justices of the peace, where the defendant is required to answer on oath, as to the plaintiff's cause of action and refuse, the plaintiff shall not be entitled to judgment, as though the matter had been confessed, but shall in that event, be at liberty to testify to his cause of action, as a disinterested witness might do, and that said committee have leave to report by bill or otherwise.

Mr. Hoover, on leave granted, introduced a bill for the incorporation of the Western Seminary;

Which was read, and passed to a second reading to-morrow.

The Senate proceeded to the consideration of the orders of the day.

A bill supplemental to an act to provide for the erection of a state house,

Was read the second time, and

On motion of Mr. Graham, referred to a committee of the whole Senate, for consideration to-morrow.

A bill to declare the post road passing Allensville, in Switzerland county, a state road, and

A bill to establish the county line between the counties of Madison, Hancock and Henry,

Were severally read the second time and ordered to a third reading to-morrow.

A joint resolution of the General Assembly relative to the public lands,

Was read a third time and passed.

A joint resolution authorizing the subscription for the second volume of Blackford's reports,

Was read the third time.

Mr. Lemon moved to recommit said joint resolution to a select committee, with instructions to strike out, 'and fifty,' from the resolution.

Which motion did not prevail.

The question was then taken on the passage of the resolution, and

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Clark, Dumont, Ewing, Farrington,

Feeny, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, M'Carty, Morgan, Orr, Robb, Wallace and Whitcomb—24.

And those who voted in the negative, are

Messrs. Lemon, Logan, Long, Pennington and Pollock—5.

So said resolution passed.

Ordered, That the House be informed of the passage of said joint resolutions, and their concurrence requested.

The following bills to wit:

To change a part of the state road from Levenworth's mill, to Orleans, in Orange county, and

An engrossed joint resolution relative to the public ferry at Indianapolis,

Were read the third time, the joint resolution amended by consent, and passed.

Ordered, That the House be informed of their passage, and their concurrence requested.

On motion of Mr. Clark, the Senate went into committee of the whole, for the purpose of taking into consideration a bill to amend an act entitled, an act relative to foreign attachment, approved Jan. 20, 1831, and after some time occupied in the consideration of the same, the committee rose, and Mr. Hillis, their chairman, reported the same with sundry amendments, in which, he requested the concurrence of the Senate.

On motion, the question of concurrence in said amendments, was taken separately.

But before the said amendments were disposed of.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The question of concurrence in sundry amendments made to the attachment bill under consideration this morning, was again resumed, but before disposing of the same,

On motion of Mr. Fletcher, the said bill, with its proposed amendments, was referred to the judiciary committee, to consider and report thereon.

The following message, from the House of Representatives was received by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill entitled an act organizing the eighth judicial circuit, and fixing the times of holding courts therein.

In which I am instructed to ask the concurrence of the Senate.

Said bill was read twice by common consent, and

On motion of Mr. Hanna, referred to a select committee.

Ordered, That Messrs. Hanna, Clark, Beard and Orr, compose said committee.

On motion of Mr. Graham, the committee of the whole were discharged from the further consideration of the bill to repeal the 9th section of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1830, and said bill was ordered to be engrossed for a third reading.

On motion of Mr. Herod, the committee of the whole were discharged from the further consideration of a bill to amend an act entitled an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved February 3, 1832.

Mr. Robb moved to amend said bill, by annexing to the same the following:

“From and after the taking effect of this act, the provisions of the 5th section of the act to which this is an amendment, shall be confined to such applications to the General Assembly as ask for a state road or roads, commencing and terminating in the same county;

Which motion was decided in the negative.

Ordered, That said bill be engrossed for a third reading.

The Senate, according to order, went into a committee of the whole, for the purpose of considering a bill of the Senate to amend the act entitled an act regulating the interest on money, in the state of Indiana, approved February 1, 1832, and an engrossed bill of the House of Representatives, entitled an act to amend an act entitled an act, regulating the interest of money, in the state of Indiana, when, after some time occupied in the consideration of

the same, the committee rose and Mr. Hoover, their chairman, reported progress, and asked leave to sit again:

Which was refused.

And on motion,

The Senate adjourned.

THURSDAY, JANUARY 3, 1838.

The Senate assembled.

Mr. Whitcomb presented the petition Jacob B. Levia and others, citizens of Monroe county, praying the passage of a memorial to Congress, on the subject of the public lands;

Which was read, and

On motion of the same gentleman, referred to the judiciary committee.

Mr. Logan, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to whom was referred the petition of J. M. Lemon and others, citizens of the counties of Washington and Orange, praying that the present road leading from Salem, by the way of the village of Middletown, in Washington county, to Orleans, in the county of Orange, be established as a state road, on the same footing with other state roads, have had the same under their consideration, and directed me to report the following bill, to wit:

A bill to locate a state road from Salem via Middletown, to Orleans, in Orange county;

Which was read twice by common consent.

On motion of Mr. Logan, the blank in the bill was filled, by inserting Jacob M. Lemon.

Ordered, That said bill be engrossed for a third reading.

Mr. Whitcomb, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred an engrossed joint resolution, on the subject of nullification, a message from the Governor, with sundry accompanying documents, transmitted to him, by order of a late convention of the people of South Carolina, for the information of this Legislature, and an engrossed preamble and joint resolution of the General Assembly of the state of Indiana, relative to the President's proclamation, on the subject of the present difficulties in South Carolina, have, according to order, had the same under consideration, and finding the subject matter in reference, in those documents, to be the same, they have directed me to report herewith, a joint resolution, entitled, a preamble and joint resolution, relative to the proceedings of a late convention, of the people of South Carolina, and to the President's proclamation, in relation thereto, in which they have incorporated the substance of most of the resolutions referred, amended, with other resolutions in addition thereto, and they have further directed me to report back to the Senate, the resolutions referred, without amendment.

Said preamble and joint resolution was read twice, and ordered to a third reading to-morrow.

On motion of Mr. Whitcomb, the several preambles and resolutions, from the House of Representatives, were laid on the table.

Mr. Hanna, from the select committee, to which had been referred an engrossed bill from the House of Representatives, organizing the 8th judicial circuit, and fixing the times of holding courts therein, now reported the same to the Senate, with an amendment, which was, by striking out, in the second section of said bill, after the word Lagrange, in the 8th line, the residue of said section, and in lieu, inserting the following:

On the Mondays next after the courts in Allen, in the county of Elkhart on the Mondays next succeeding the courts in Lagrange, in the county of St. Joseph on the Monday next succeeding the courts in the county of Elkhart, and in the county of Laporte on the Mondays next succeeding the courts in the county of St. Joseph. The circuit courts to be holden as above, in the 8th judicial circuit, shall sit one week, in each of said counties, if the business thereof require it, except the counties of Allen and Elkhart, which shall sit two weeks each, if the business require it.

Which report was concurred in.

Ordered, That said amendments be engrossed, and with the bill be read a third time to-morrow.

Mr. Ewing offered the following resolution:

Resolved, That the select committee, on the bank subject, be authorized to employ a copying Clerk, for a few days.

The ayes and naes being called on its adoption,
It was decided in the affirmative.

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Ewing, Feeny, Frisbie, Hanna, Hillis, Hoover, Jessup, Leviston, Long, Morgan, Orr and Robb—15.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Givens, Graham, Hendricks, Herod, Lemon, Logan, M'Carty, Pennington, Wallace and Whitcomb—13.

Mr. Blair offered the following resolution,
Which was adopted, viz:

Resolved, That a select committee be appointed to inquire into and ascertain whether any sum or sums of money, have been drawn from the Wabash fund, for other purposes than was originally contemplated, by the act, entitled an act for improving the navigation of the river Wabash, approved Jan. 31, 1824, with leave to report by bill or otherwise.

Which was referred to Messrs. Blair, Feeny, and Wallace.

Mr. M'Carty moved to take from the table, a bill for the abolition of the imprisonment of female debtors.

Which was taken up.

Mr. Whitcomb moved to amend the same, by inserting after the words 'court of,' in the 1st section, the words, 'or justice of the peace.'

Which motion was decided in the affirmative.

Mr. Dumont moved to amend the first section of the bill, by inserting, after the word 'interest,' 'for any sum not exceeding ten dollars.'

Mr. Graham moved to lay the bill on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Ewing, Graham, Hanna, Hendricks, Herod, Jessup, Leviston, Logan, Orr and Robb—14.

And those who voted in the negative, are

Messrs. Clark, Farrington, Feeny, Fletcher, Frisbie, Givens, Hillis, Hoover, Lemon, Long, M'Carty, Morgan, Pennington, Pollock and Whitcomb—15.

So said bill was not laid on the table.

Mr. Ewing moved that said bill be referred to the judiciary committee, with instructions to amend the same, so as to abolish imprisonment for debt altogether, except for fraud, and that concealment of property, be made a penal offence, punishable by presentment or indictment.

But before taking the question on said motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that they concur in the amendment made by the Senate to the engrossed joint resolution of the House, relative to the public ferry at Indianapolis.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they did, on yesterday present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act changing the direction of a state road from Judge Lowrie's farm, to Paris, Illinois;

An act to locate a state road from Green Castle, in Putnam county, to Carlisle, in Sullivan county, by the way of Manhattan, in Putnam county, and Bowlinggreen and New Brunswick, in Clay county.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bill and joint resolution, as follows, to wit:

An act to establish a certain state road therein named;

A joint resolution relative to the public ferry, at Indianapolis.

And find the same truly enrolled.

Mr. Whitcomb moved to amend the instructions proposed by Mr. Ewing, to the bill for the abolishment of the imprisonment of female debtors, by adding to the same, the following, viz:

And to make provision, that by a proceeding in chancery or otherwise, all property, rights, credits and choses, in action whatever of a debtor's, may be discovered and subjected to the payment of his or her debts;

Which motion prevailed.

The question recurred on the adoption of Mr. Ewing's motion, as amended,

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Clark, Dumont, Ewing, Farrington, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks, Jessup, Leviston, Logan, Long, Pollock, Robb and Whitcomb—18.

And those who voted in the negative, are

Messrs. Blair, Chambers, Feeny, Herod, Hillis, Hoover, Lemon, M'Carty, Morgan, Orr and Pennington—11.

So said bill was recommitted. *

Mr. Morgan presented the following report from the trustees of Indiana College:

The board of trustees of the Indiana College, in compliance with a joint resolution of the General Assembly of the state of Indiana, concerning the said College, approved Jan. 25th, 1830, respectfully report:

The first subject that claimed the attention of the board, was a difficulty that had taken place, among the faculty, of no recent date. In consequence of this difficulty, professor Hall had withdrawn his services, two weeks before the close of the session, and professor Harney, had assumed an attitude towards Dr. Wylie, which rendered his services of little avail. Both parties were prepared with ample documents for a judicial contest. But the board, after deliberating on the subject of those difficulties, and the relation which they sustained to the institution, which they believed to be that of guardians, rather than that of a judicial tribunal, declined to investigate those difficulties, and by a unanimous vote, removed professor Harney. After removing these professors, the board proceeded to fill their places, by electing Beaumont Park, of Madison, to supply the place occupied by professor Hall, and Jesse Elliott, of Rising Sun, who had the most ample recommendation, to supply the place occupied by professor Har-

ney. With Mr. Park, one member of the board had been acquainted for the last ten years, and had no doubt his qualifications or his peculiar adaptation for the situation for which he was appointed. So that, upon the whole, the board anticipate the most favorable result to the institution, from the present organization of the faculty.

The number of students, in consequence of the derangement hitherto alluded to, could not be ascertained. A number of those that belonged to professor Hall's department, had withdrawn. The number was, however, between fifty and sixty. There is a new College edifice erected, the construction of which is highly creditable to the individuals by whom it was erected, and is every way suitable for all the purposes of a College. The length of this edifice, so far as the board now recollects, is 65 feet long and 50 feet wide. The foundation of stone, dressed and laid in the most substantial manner. This building is enclosed, and the lower floor is laid in a very substantial manner, with oak plank, and the upper floor with poplar plank. The walls above the foundation, are of brick, which appear to be of the best quality.

The college has a library, consisting of 175 volumes as reported. They consist of History, Geography, Belles Lettres and treatises on Chemistry and mental and moral Philosophy. The books are all new, and by an estimate, considered very reasonable, and valued at \$600. These books were procured by Dr. Wylie, while on a tour previous to his taking charge of the institution; and have not cost the institution one cent. The faculty of the College, consists of a President, Andrew Wylie, and the two before mentioned. The salary of the first is \$1000 and the one third of the tuition fees, in the whole not to exceed \$1300; of the others, \$400 and not exceed \$650: but the aggregate of these sums has not been reached in any case. Besides these, a tutor has been employed, William H. Stockville, who receives no compensation for his services, but an exemption from the payment of the tuition fee, which is \$7 50 per session.

The board proceed now to the last requirement of the joint resolution of the General Assembly, to wit: whether the 10th section has been complied with. This section forbids the introduction into College, of sectarian tests. The board do not know of any, even the slightest abuses of the kind; nor do they apprehend that any difficulty can arise at any time, from this source, when the religious complexion of the board is considered. The members, of the board are of different religious tenets.

The members present, the last session of the board, were David H. Maxwell, of Monroe, William Hendricks, of Jefferson, Seth M. Levenworth, of Crawford, Jonathan Nichols, of Monroe.

William Banister, of Monroe, Leroy Mayfield, of Monroe, James Blair, of Monroe and William B. Laughlin, of Rush.

All of which is most respectfully submitted,

DAVID H. MAXWELL, Pres.

W. B. LAUGHLIN, Ch'r. Com. appointed for this purpose.

December 1, 1832.

On motion of Mr. Whitcomb, said report was laid on the table.

On motion of Mr. Hendricks, the report of the committee on unfinished business, was taken from the table.

The question presented in said report, was on the resolution reported by said committee, to postpone indefinitely, sundry bills reported.

Mr. Beard moved to amend said resolution, by excepting from the effects of said resolution, a bill for the relief of Andrew M'Coy;

Which motion prevailed.

The resolution, postponing the other bills, was then adopted.

The bill for the relief of Andrew M'Coy,

Was read twice by consent.

On motion of Mr. Hendricks, said bill was referred to a select committee, with instructions to make it discretionary with the boards doing county business in the several counties through which said road runs, to make such allowance as to them may seem reasonable, out of the future appropriations made to the several counties, in proportion to the length of said road, in the several counties through which it runs.

Ordered, That Messrs. Hendricks, Dumont and M'Carty, compose said committee.

Mr. M'Carty moved to re-consider the vote, taken on the 28th of December, on the subject of engrossing a bill supplemental to an act entitled an act for the relief of the poor, approved Feb. 10, 1831;

Which motion was decided in the negative.

The Senate proceeded to the consideration of the orders of the day.

A bill to declare the post road passing Allensville, in Switzerland county, a state road, and

A bill to provide for the indemnification of persons through whose lands roads are or may be located,

Were severally read a second time, and ordered to be engrossed for a third reading.

A bill for the incorporation of the Western Seminary,
Was read a second time, and

On motion of Mr. Whitcomb, referred to the committee of the whole, and made the order of the day for to-morrow.

A bill supplemental to an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state, into lots, and to offer the same for sale, approved February 9, 1831;

A bill to amend an act, entitled an act regulating the practice in suits at law, approved Jan. 29, 1831;

A bill to locate a state road from Greensburgh by way of Harts-ville, to Columbus, and

An engrossed bill for the relief of John Conner,

Were severally read a second time, and ordered to a third reading.

The following bills, viz:

To amend an act entitled, an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832;

To establish the county line between the counties of Madison, Hancock and Henry;

To repeal a part of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831,

Were severally read a third time and passed.

Ordered, That the House of Representatives be informed of the passage of said bills, and their concurrence requested.

On motion of Mr. Fletcher, the Senate went into a committee of the whole, for the purpose of considering a bill for the establishment of a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Jessup, their chairman, reported progress, and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

FRIDAY, JANUARY 4, 1833.

The Senate assembled.

Mr. Wallace presented the petition of J. W. M'Broom and

others, praying the location of a state road from Rockville, in Parke county, to Lafayette.

Which was read, and

On motion of Mr. Wallace, referred to the committee on roads.

Mr. Farrington presented the petition of John W. Hitchcock and others, on the subject of a state bank and branches;

Which was,

On motion of Mr. Farrington, referred to the same committee of the whole Senate, to which the bank bill was referred.

Mr. Clark presented the petition of J. W. Goodwin and others, praying the location of a state road from Delphi, in Carroll county, to Munceytown, in Delaware county;

Which was read, and

On motion of Mr. Clark, was referred to the committee on roads.

Mr. Fletcher presented the petition of Jacop Colip and others, praying the passage of a law to tax non resident owners of lands for school purposes;

Which was,

On motion of Mr. Fletcher, referred to the committee on education.

Mr. Fletcher, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred so much of the Governor's message as relates to probate courts, have had that subject under consideration, and a majority of the committee have directed me to report, that they are aware that the decisions of no judicial tribunal, in the state, can more materially effect the future interests of our fellow citizens, than will the orders and decisions of the probate courts. In the short space of about 30 years, it is supposed that nearly all the personal, and a large portion of the real estate of each individual, are vested in new owners, under the operation of the probate laws. Transfers of real estate of the deceased, are made by commissioners, administrators or guardians, who receive their appointments from these courts, and have no direct interest in the accomplishment of this important trust, beyond the compensation they expect to receive for their services. The real estate thus conveyed, has been, in most instances, previously vested by descent, in the minor heirs of the deceased, at a period in life, when they are incapable of being made parties to the transaction, so as to preclude them, when they have obtained the age of twenty-one years, from inquiring into the

right and power of the court to divest them of their inheritance, as well as into the cause and circumstances which made it necessary to dispose of the same; and also whether the various requisites of the law were complied with, throughout the whole transaction; and in the absence of record evidence to establish these several facts, they could resort to our courts of justice, and regain an estate of which they were illegally divested.

Your committee have not been made sensible that all probate judges are incompetent to the discharge of their duties, for there is abundant proof to the reverse of such a supposition; but they, at the same time, are fully convinced, that no judicial tribunal, called to exercise the most intricate and complicated duties, only fifteen or twenty days in a year, can be so competent as a tribunal of but equal talent and integrity, that is called to discharge similar duties, for the period of eight months in the year. It has been well said, that he who judges most, can judge best. The judge who presides at eight counties, three times in the year, must be far better qualified to understand the effect that each order, judgment and decree, will have upon the interest of those concerned, than the judge who presides at but one county, a few days only, in the year. It cannot be supposed, that the latter would have so many of his decisions appealed or taken to the supreme court, by writ of error, as the former, consequently, could not be as well advised of what the law of the land really is, as that judge who is most frequently under the necessity of revising and correcting his own decisions.

Your committee have taken another view of the subject before them. On examination of the Auditor's office, they find that \$3012 50 was, during the past year, audited in favor of probate judges.

By the foregoing, and other considerations, a majority of the committee have been brought to the conclusion, that a change or transfer of the present probate business, to the circuit courts, would be expedient. They believe that if there should be three terms of the circuit court, in the year, that court could transact the probate business, on the two first days of each term; that these two days should be exclusively devoted to probate business, except the empannelling of the grand jury, and taking preparatory steps for the trial of criminals in jail, provided that probate business should not occupy the two days, the court might, in its discretion, take up and proceed in the hearing of chancery causes, and in determining issues at law in common law causes, and in causing to be made up the issues, in fact to be tried by the petit jury. By this mode of proceeding, either party, after such issues in fact are made up, might, if it should become necessary, continue the cause, before the witnesses would attend, who might be notified of such continuance, before they attend court, and thereby save much expense.

Should a new circuit be made at the present session of the Legislature, there will then be eight circuits in the state, and the majority of the committee are of the opinion, that if one hundred dollars should be added to the salary of each of the president judges, it would be a fair compensation for his additional services, as contemplated by this report, which would be \$800 more than the salary now paid by law, but which, when deducted from the \$3042-50 audited in favor of probate judges during the past year, would be a saving to the state of \$2246 50; therefore a majority of your committee have directed me to report a bill to transfer the probate business to the circuit courts, and to amend the act regulating the practice in said courts;

Which was read a first and second time, and

On motion of Mr. Pennington, referred to a committee of the whole Senate for to-morrow.

Mr. Whitcomb, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law, for a special officer of the supreme court of this state, whose duty it shall be to execute all process emanating from the same, with leave to report by bill or otherwise, have, according to order, had the same under consideration, and have directed me to report a bill, entitled, a bill to provide an executive officer for the supreme court;

Which was read and passed to a second reading to-morrow.

Mr. Whitcomb, from the committee on education made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of John Hight and others, citizens of Monroe county, praying the incorporation of a female seminary, in Monroe county, have, according to order, had the same under consideration, and have directed me to report herewith, a bill entitled a bill to incorporate the Monroe county female seminary;

Which was read, and

On motion of Mr. Logan, the rules were dispensed with, and the bill read a second time, and

On motion of Mr. Whitcomb, was referred to a committee of the whole Senate for to-morrow.

Mr. Hendricks, from the committee on roads, made the following report:

Mr. PRESIDENT:

The standing committee on roads, to which was referred a bill of the Senate, to appropriate part of the 3 per cent. fund, and for other purposes, with instructions to digest the same, and insert a provision, empowering each board doing county business, where provision is not otherwise made, to appoint one or more commissioner to superintend the application of the funds therein appropriated to their counties, one of which commissioner only shall be authorized and required to receive such funds from the agent of the 3 per cent. fund, have discharged the duties assigned them and report the bill with the amendments contemplated in said instructions.

The amendments to the said bill, as reported by the committee, were severally concurred in, except the last, and

On motion of Mr. Whitcomb, the bill and amendments were laid on the table.

Mr. Hendricks, from the committee on roads, made the following report:

Mr. PRESIDENT:

The committee on roads, to which was referred the petition of sundry citizens of the county of Carroll, praying a special appropriation of money, to be expended on so much of a state road from Lagrange to Logansport, as lies within the said county of Carroll, have had the subject under consideration, and have directed me to report that there is now before the Senate, a general appropriation bill, appropriating five hundred dollars to each and every county in the state, for the purpose of improving roads and highways, and subject to the direction of the boards doing county business, unless otherwise directed. Your committee therefore, think it inexpedient to grant the prayer of the petitioners: Also the petition of sundry citizens of Dearborn county, praying for the location of a state road therein named, have had the subject under consideration, and are of opinion that the object of the petitioners will be fully effected by the passage of a bill now pending and before the Senate; therefore think that further legislation on that subject would be inexpedient, and ask to be discharged from the further consideration of both of the above subjects.

Which was read, and the committee discharged.

Mr. Graham, from the select committee to which was referred a communication of the Governor, with accompanying documents, on the subject of certain salt springs, or saline reserves, in Dearborn county, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the communication of His Excellency, the Governor, together with the accompanying documents, on the subject of certain lands in the county of Dearborn, claimed by the state of Indiana, under the second proposition of the sixth section of the act of Congress, "to enable the people of the Indiana Territory, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April 19th, 1816, have had the subject under consideration and report:

That on examination of the documents, it appears that section twenty-five, in town six, of range one, west of the principal meridian, was marked on the office map, as a saline reserve—that the Surveyor General's plat and field notes, represent it as a lick section, containing "an extraordinary salt lick, said to be superior to any in the Territory"—that it was reserved from the public sale in September, 1804; and marked "U. S." on the official schedule of quantities. That a deposition in relation to it, is believed to have been filed in the said Land Office, at Cincinnati, by a certain Charles Duford, about the year 1804, and that salt was, about that time, manufactured by deponent or others thereon.

By the act of Congress of the 19th of April, 1816, the United States, ceded to Indiana, "all salt springs within said Territory of Indiana, and the lands reserved for the use of the same, together with such other lands as may, by the President of the U. S. be deemed necessary and proper, for working the said salt springs, not exceeding, in the whole, the quantity contained in thirty-six entire sections."

It must be recollected that this grant was not a gratuitous donation on the part of Congress, but one of the conditions of a compact, for which the state of Indiana, paid a valuable consideration, as will appear by reference to the ordinance of the 29th of June, 1816.

When the then Indiana Territory, entered into a state government, it was known to all that the land in question, was reserved from sale, and marked "saline reserve;" it was also known that salt had been made to some extent thereon, and it was not doubted that it came clearly within the provisions of the compact.—With this view, the state took possession of the premises, and exercised ownership over it, and particularly on the 4th day of January, 1830, three quarters of said section, to wit: the north east, north west and south west, were leased by the Hon. Miles C. Eggleston, president judge of the third judicial circuit, on behalf of the state, to one David Guard, for a term of three years, who took possession and placed Mary Muir, John Davis and Thomas Brannan, as tenants thereon.

It also appears that the before named tenants, being advised that they were entitled to a right of entry of said land, as occupants thereof, under the pre-emption law, did proceed, some time in the year 1831, through the agency of Amos Lane, their Attorney in fact, to cause an entry to be made of said lands, and have procured patents therefor, and have since sold and conveyed the same to third persons, who are now claiming to hold the same, in virtue of such sale and conveyance.

The General Assembly of the state of Indiana, desirous to avoid any collision with the general government or its officers, did, on the 3d of February, 1832, adopt a preamble, setting forth the facts of the case, and also the following resolution:

Resolved, That the Governor of this state, be authorized to open a correspondence with the commissioner of the General Land Office, either directly or through the medium of our Representatives in Congress, relative to the existing difficulties, concerning the above described reserve, with a view either to regain the undisputed possession and use of the same, or to obtain a grant of other lands, of equivalent value, in lieu thereof; and that he submit to the next General Assembly, the result of such correspondence, with such other information as may be in his power to obtain, and that he transmit a copy of this resolution, to each of our Senators and Representatives in Congress, accompanied with a request that they will use their co-operation, in effecting the object above contemplated.

This joint resolution was laid before the Senate of the United States. On the 3d of May, the subject appears to have been referred to the committee on public lands, with instructions to inquire into and report all the facts and proceedings, in relation to the land in question.

The chairman of the land committee addressed a letter to the Commissioner of the General Land Office, requesting all the information that could be obtained on the subject, from that office.

The following is Mr. Haymond's answer:

GENERAL LAND OFFICE, }
May 12th, 1832. }

Sir:—I have the honor to communicate to the committee on public lands. In compliance with your letter of the 7th inst. copies of all the correspondence of this office, which contain all the facts and proceedings in relation to the reservation and sale of the north east, north west and south west quarters of section twenty five, of township six, of range one, west meridian, as known to this office, required by the resolution of the Senate of the 3d inst. which is herewith returned.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. Wm. R. King, &c.

The land committee made a report on the 7th——, adverse to the claims of Indiana. Which report and documents on which it was based, is herewith submitted.

“The committee on public lands, to whom was referred a joint resolution of the State of Indiana, on the 3d of February last, and a resolution of the Senate, of the 3d of May, 1832, with instructions to inquire into and report all the facts and proceedings in relation to a reservation and sale of the north east, north west, and south west quarters of section twenty-five, township six, of range one, west of the meridian drawn from the mouth of the Great Miami river, having given the subject that attention which a resolution of so honorable a body, as the General Assembly of a State, requires of a branch of the National Legislature, beg leave to report:

That from an examination of the resolution presented to the Senate, by the General Assembly of Indiana, it appears that the State claims the three quarter sections of land above referred to, by virtue of the 6th section of the act of Congress, of 19th of April, 1816, which grants to that State all salt springs within its limits, and the land reserved to the same, not exceeding in the whole the quantity contained in 36 entire sections; and alleges that, ever since the adoption of her constitution, she has had undisputed possession of these lands—has, in accordance with the terms of said grant, leased and exercised other acts of ownership over them; and, that particularly on the 4th day of January, 1830, these three quarter sections of land were leased by the Hon. M. C. Eggleston, president judge of the third judicial circuit, on behalf of the State, to one David Guard, for a term of three years, who took possession, and placed Mary Muir, John Davis and Thomas Branan, thereon, as tenants; and they complain that these tenants through the agency of an attorney, have been permitted to purchase these lands from the U. State, as occupants thereof, under the pre-emption law of May, 1830, at the minimum price of one dollar and twenty-five cents per acre, when in fact, they were the rightful property of the State of Indiana, and are worth, in cash, eight thousand dollars.

It is further stated in the resolution, that patents have been issued from the General Land Office for this property, and that the holders under the patents have conveyed the same to third persons, who are now claiming to hold the same, in virtue of such sale and conveyance, thereby defrauding the State of Indiana, of her vested rights therein.

In the investigation of this matter, it would seem to be the duty of the committee to present to the Senate: Ist. All the facts going to establish the claim of the State of Indiana, to the land in question, by showing that there is, or is not, a salt spring on section 25, to bring it within the provisions of the act of Congress of 1816. under which the reservation and grant is claimed by that

State; and secondly, to present the facts in relation to the sale by the officers of the government, and the attorney in fact, who transacted the business on the part of the claimants under the pre-emption law.

The committee are of opinion, that, to effect this object, it will be most plain and intelligible, to refer to the general laws to incorporate all special acts in relation to the section of land in question, and all the correspondence between the late and present commissioner of the General Land Office, and the Land Officers at Cincinnati, and with the committee, and members of Congress.

These will consist of a reference to the general act of 1796, page 421, or the land laws; the 4th section of the act of 1800, page 457; the 12th section of the act of 1804, page 501; the 4th section of the act of 1806, page 538; the act of 21th of April, 1820, page 770; the act of 29th of May, 1830, and of the incorporation of the special acts of the 24th of February, 1815; the act of 19th of April, 1816, under which the State claims, and of the act of 12th of February, 1831, directing these three quarter sections of land to be sold, as other public lands are sold.

The correspondence is numbered from 1 to 9, including the petition of David Guard, which is also submitted.

No. 1, is the preceding letter of Elijah Hayward.

No. 2. Extract.

LAND OFFICE, }
Cincinnati, Feb. 8, 1826. }

"In regard to the saline reservation, section 25, township 6, E, west, about which the Hon. Mr. Noble has made inquiry, I have to state, that Daniel Peripe, entered the south east quarter, on the 25th day of May, 1815, under an act of the 24th of February preceding, land laws, page 135, the same having been duly examined at the instance of the Register and Receiver, and found to contain no salt spring or springs, valuable for the purpose of making salt." No law having since been passed in relation to the remaining three quarters, (unless indeed, the act of the 21th of April, 1820, may be so construed,) they have not hitherto been offered at public sale, and are not therefore considered now open for entry,

"The authority under which this tract was originally reserved, will be found (in the 3d section of the act of May 18th, 1796,) by turning to page 113, of the last edition of the "Land Laws."

PEYTON S. SYMMES, Register.

To the Commissioner of the General Land Office.

(No. 3.)

GENERAL LAND OFFICE, }
March 18th, 1826. }

Sir:—Your letter of the 8th ultimo, explanatory of the entry,

by Daniel Perine, of the south east quarter of section 25, township 6, range 1 west, has been received. The provisions of existing laws will be sufficient authority for the offering of the three remaining quarters of that section, at the next public sale of relinquished lands.

I am, &c.

G. GRAHAM.

P. S. Symmes, Esq. Register, &c. Cincinnati, Ohio.

(No. 4.)

GENERAL LAND OFFICE, }
March 18, 1826. }

Sir:—Enclosed is a copy of a letter from the Register of the Land Office at Cincinnati, Ohio, in relation to what was supposed to be a saline reservation, in section No. 25, township 6, range 1, W. M. L. The entry of the south east quarter of that section, appears to have been made, under the authority of a special act to that effect, (vide land laws, page 135.) The three remaining quarters not having been yet exposed to public sale, will be offered for sale with the relinquished lands under the existing laws.

I am, &c.

GEO. GRAHAM.

Hon. James Noble, Senate U. S.

(No. 5.)

GENERAL LAND OFFICE, }
December 14, 1829. }

Sir:—The Hon. W. Findlay, having inquired, in your behalf, to ascertain the time when section 25, town 6, range 1, west, in the Cincinnati district, would be offered for sale, I have to inform you that it will be included in the next proclamation directing sales at the Land Office in Cincinnati, and have to request that you will, in the mean time, prevent, as far as in your power, any person from injuring that tract, by taking from it either stone or timber.

Very, &c.

G. GRAHAM.

Mr. David Guard, Lawrenceburgh, Indiana.

(No. 6.)

To the Senate and House of Representatives of the U. States of America, in Congress assembled:

Your petitioner, David Guard, of the county of Dearborn and state of Indiana, sheweth unto your honorable body, that section twenty-five, in township six, range one west, of the principal

meridian, of the lands directed to be sold at Cincinnati, was reserved from public sale, under the impression that said section contained a valuable salt spring; that many years ago, when salt was obtained with great difficulty in the western country, some fruitful attempts were made to procure salt therefrom, but after much labor and pains, it was found totally impracticable to do so, at any reasonable expense, and the spring was accordingly abandoned as useless and worthless. That in the year 1815, a law was passed by Congress, authorizing the Register and Receiver of public monies at the Land Office at Cincinnati, to permit one Daniel Perine of Indiana, to enter and become the purchaser, at private sale, on the usual terms of sale, the south east quarter of said section, if the said Register and Receiver should be satisfied that it contained no salt spring, valuable for the purpose of making salt. That after due examination, by the said Register and Receiver, they became satisfied there was no spring upon it, valuable for the purpose of making salt, and permitted the said Daniel Perine to enter the said quarter and purchase the same on the usual terms of sale.

Your petitioner would further beg leave to represent, that the said remaining three quarters of said section is extremely rough and broken; so much so, that it is not susceptible of ordinary tillage, and can be useful for pasture only, and the small portion of timber upon it, and even the latter has been so long a subject of depredations by the surrounding inhabitants, as to become almost worthless; and if remaining much longer unoccupied, it will be valueless to the government and useless to individuals. This land joins the lands of your petitioner, in consequence of which, he feels desirous to attach it to his farm, believing it will be more advantageous to him, than any other person, and perhaps, will indemnify him for the purchase money; wherefore he prays your honorable body, to permit him to enter the remaining three quarters of the said section, and become the purchaser of the same, at private sale, in the same manner and for the usual price of public land, and he, as in duty bound, will ever pray, &c.

Respectfully yours,

DAVID GUARD.

(No. 7.)

LAND OFFICE, }
Cincinnati, June 2, 1831. }

Sir:—Among the tracts recently claimed by pre-emption rights, are the three remaining quarters of the section near Lawrenceburg, commonly known and designated as the lick section or salt reserve, N. E., N. W. and S. W. 25, 6, 1 west. But as some doubt arose, on the part of the Receiver and myself, whether this section had not been reserved from sale, in such a manner as

to shield it from the operation of the act of the 29th of May, 1830 and more especially, as it was expressly ordered to be offered at next August sales, by authority of an act of Congress, passed after the date of the pre-emption law, with the advice of Judge M'Lean, we came to the conclusion that it would be most decorous to avoid looking behind the peremptory Congressional order to sell for the grounds of a decision; and the application filed by Mr. M'Lane, were, accordingly received as conditional only, and subject to the revision and direction of your department.

As Mr. L. was anxious that the papers should be forwarded in time to meet him on his arrival at Washington, I enclose them herewith, and will forward, in a few days, with our returns, such additional facts on the subject as the records of this office, and further inquiries may develop.

I am, &c.

PEYTON S. SYMMES.

Hon. Elijah Hayward, Com. Gen. Land Office.

(No. 8.)

GENERAL LAND OFFICE, }
June 10, 1831. }

Sir:—Your letter of the 3d inst. has been received. No evidence can be found in this office, going to show that section 25, township 6, range 1 west, or any part thereof, was directed to be reserved from sale, by reason of its including a salt spring, or from any other cause.

The act of 24th of February, 1815, entitled "an act for the relief of Daniel Perine," authorizing the entry, by said Perine, of the south east quarter of that section, but does not intimate that the tract was reserved from sale by authority.

Your letter of the 8th of February, 1826, represents that the three remaining quarters of that section, had not been offered at public sale, but does not state that they were reserved from sale, by authority. If your office exhibits no authority for making the reservation, those tracts cannot be regarded as subject to the restrictions imposed by the fourth section of the pre-emption law of the 29th of May, 1830, which is, that the right of pre-emption, contemplated by that act, "shall not extend to any land which is reserved from sale by act of Congress, or by order of the President or which may have been appropriated for any other purpose whatever."

If, therefore, pre-emption claims are established to those three quarter sections, under the act of 29th of May, 1830, they are valid in law; and the subsequent act, directing them to be exposed to public sale, cannot take effect, inasmuch as, in so doing, it

would interfere with rights vested by a previous act. The papers are returned herewith.

I am, &c.

E. HAYWARD.

Peyton S. Symmes, Esq. Register, &c. Cincinnati, Ohio.

P. S. In case you should discover any evidence in your office, to justify you in reserving those lands from sale, you will be pleased to suspend proceedings and report thereon.

(No. 9.)

By a special act of Congress of 24th February, 1815, the sale of the south east quarter of this same section, is authorized, as will appear from the following:

Be it enacted, &c. That the Register and Receiver of public monies, for the district of Cincinnati, shall permit Daniel Perine, of Indiana Territory, to enter and become the purchaser, at private sale, of the south east quarter of section numbered 25, of township numbered 6, in range numbered 1, west, in the Cincinnati district, if, on due inquiry, the said Register and Receiver, shall be satisfied that the said quarter section does not contain any salt spring or springs, valuable for the purpose of making salt.— And the said Daniel Perine, shall be entitled to a grant of the aforesaid quarter section, on completing the payments therefor, on the terms and conditions provided for the sale of public lands sold at private sale.

That part of the act of 19th of April, 1816, under which the state of Indiana claims, is the second proposition of the 6th section, and is as follows:

That all salt springs within said Territory, and the land reserved for the use of the same, together with such other lands, as may, by the President of the United States, be deemed necessary and proper for working the said salt springs, not exceeding in the whole the quantity contained in thirty-six entire sections, shall be granted to the said state, for the use of the people of the said state, the same to be used under such terms, conditions and regulations, as the Legislature of the said state shall direct: Provided, the said Legislature shall never sell nor lease the same for a longer period than ten years at any one time.

On the 15th December, 1831, a bill was introduced, on leave, in the Senate of the United States, granting to David Guard, of Indiana, the right to purchase, at private sale, the south west, north west and north east quarters of section 25, township 6, of range 1 west. This bill was referred to the committee on public lands, who reported it as amended, and it passed in the following words:

Be it enacted, &c. That it shall be the duty of the President of

the United States, to offer at public sale, as soon as may be, the south west, north west and north east quarters of section numbered 25, of township numbered 6, in range numbered 1 west, in the Cincinnati district, under the same rules and regulations, that govern the sale of other public lands of the United States.

By the act of 1796, aforesaid, the Surveyor was required to note in his field book, all mines, salt licks, salt springs and mill seats. The same act reserves from sale, all salt springs, with one mile square. From this act, to the act of 1816, under which the state claims, all the acts of Congress reserve from sale by express words, all salt springs, and such sections as had been reserved for their use, by order of the President.

There being no evidence in the field notes, or in any book, map or plat, in any of the offices, that section 25, ever had upon it, a salt spring, or was ever reserved as such, or for the use of a salt spring, or for any other purpose, the committee cannot see by what authority the state claims this section, as being embraced in the provisions of the act of 1796, or of 1816.

In 1815, Congress passed a special act, authorizing, Daniel Pe-rine, of the Indiana Territory, to enter at private sale, the south east quarter of this section; and in 1831, an act passed, directing the President to cause the three remaining quarters to be sold at public sale. At the time of passing the last mentioned act, the delegation in Congress from the state of Indiana, part of whom were members of the Convention that formed her constitution, alive to her interest and well acquainted with her rights, would surely have claimed this land, if they had considered it a reservation belonging to the state. It appears to the committee, from the above documents and proceedings, that the Commissioner of the General Land Office, and the Register at Cincinnati, acted with great caution, in the sale of the three quarter sections of land mentioned in the resolution; and if there has been fraud practised by the Attorney in fact for the purchasers, or by any other person, the committee have not been able to detect it; they therefore offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the memorial of the Legislature of Indiana, and the resolution of the Senate of the 3d of May, 1832.

On examination of the correspondence presented in the report of the land committee, and comparing the same with the documents submitted by the Governor, it appears that two very important documents were suppressed.

Had the land committee been in possession of all the correspondence and facts of the case, it is believed that the report of that committee, would have been very different.

It will be seen that the documents in the correspondence, between the officers of the Land Office at Cincinnati and the Com-

missioner of the General Land Office, as communicated by the Governor, and marked 3 and 4, were suppressed, or not before the land committee. A view of those documents will, it is believed, give the Senate a more correct understanding of the facts, than could be gathered from any remarks of this committee.

EXECUTIVE DEPARTMENT }
Indianapolis, Dec. 21, 1832. }

Gentlemen of the Senate:

A joint resolution of the last General Assembly, relating to the late sale, at the United States Land Office, at Cincinnati, of the saline reserve, belonging to the state, situated in Dearborn county, made it the duty of the Governor, to open a correspondence with the Commissioner of the General Land Office, either directly, or through the medium of our representation in Congress, with a view to regain undisputed possession of the property, or obtain other lands in its place; the result of which correspondence, with such other information as might be procured, to be laid before the legislature at its present session.

In compliance with the duties imposed, a correspondence was opened, and I now submit to the Legislature, through your branch, all the information, facts and documents procured on the subject, to wit:

A, is the copy of a letter addressed our Senators, explaining the nature of our claim to the Salt Lick, with the history of the transaction, which led to its sale by the United States; to which letter no answer has been received.

B, is a letter from the Register at Vincennes, with accompanying papers, called for by my letter to him, of the 24th November.

C, is a letter received from the Register of the Land Office at Cincinnati, with the documents referred to, numbered from 1 to 10, in answer to a call made upon that officer.

I also lay before you a newspaper containing what purports to be a report from the committee on public lands, to the Senate of the United States, with the correspondence referred to, marked from 1 to 9, which is, no doubt, genuine, but of this report, or the proceedings had before the committee, no communication has been made to the Executive department of this state.

Upon an examination of this report of the Senate's committee, your surprise will be excited to find that a sale of this section was contemplated, by the Commissioner of the General Land Office, several years since, and owing to his erroneous opinion, a sale was ordered; but when compared with other facts and documents, you will perceive that the conclusions of the committee are wholly untenable, and that in place of there being "no evidence in the field

notes, or in any book, map or plat, in any of the offices, that section 25, ever had upon it a salt spring, or was ever reserved as such," we have abundant and incontestible evidence, that the United States Surveyors, reported it as a saline reserve, "containing an extraordinary salt lick, said to be superior to any in the Territory," and that the United States Land Officers have withheld it from sale since September, 1804, because it was known as a salt spring, was reserved under the act of Congress of May, 1796, and it is now marked as a "saline reserve," on the office map of the Register.

To the suppression of so material a portion of the correspondence, with the Register and Receiver, at Cincinnati, as that of the Receiver's letters, numbered 3 and 4, by the Commissioner of the General Land office, in his reply to the committee on public lands, and some other remarkable facts disclosed by the papers laid before you, I beg leave to invite the particular attention of the Legislature, and to ask whether these are not sufficient to satisfy us, that we must now tamely surrender a property, worth eight or ten thousand dollars, or look to the judiciary for its restitution.

N. NOBLE.

(A.)

EXECUTIVE DEPARTMENT,
Indianapolis, 14th April, 1832. }

GENTLEMEN:

In accordance with the provisions of the laws of Congress and the instructions given under them, the Surveyor of public lands, in the then Territory of Indiana, returned section 25, T. 6, R. 1 west, as a saline reserve, and it has not only remained marked as a saline reserve, on the official map, but the Surveyor's plat and field notes, represent it as a saline reserve, "containing an extraordinary salt lick, said to be superior to any in the Territory." It was consequently reserved from sale in September, 1804, and marked U. S. on the official schedule of quantities. At an after period, 1814, Daniel Perine claimed the right to enter the south east quarter of the section, on account of the erection of a mill thereon, but his application was rejected because of the reserve as a salt spring; in consequence of which, he applied to Congress for permission, and out of that application, grew the act of May, 1815, permitting him to make the entry, though, at the instance of the Register and Receiver, it was to be satisfactorily determined that the south east quarter contained no salt spring.

About the time of the early settlement of that land district, one Charles Duford, erected salt works on this section, at which, salt sufficient for the neighborhood was produced for a number of years; when he sold them to one Aaron Scoggin, who manufac-

tured the article for a number of years, and until its introduction from Kenhawa reduced the price, so as to render it unprofitable.

By the acceptance of the five propositions on our part, as contained in the act of Congress of April, 1816, enabling the people of the Territory to enter into a state government, the right of property in the remaining three quarters of the section, vested in the state of Indiana, if she acquired any thing in virtue of the second proposition, as our right to them can be more easily tested and established by living witnesses, and the public records of the country, than to any other property claimed and occupied under that proposition. The first Legislature that assembled, (Dec. 1816,) after our acceptance of the propositions, and the adoption of our constitution, took up the subject, and so early as the 2d January, 1817, Gov. Jennings, under the sanction of law, appointed Mahlon Brown, Superintendent of the salt lick, under consideration, who took possession of it in behalf of the state, and continued to lease it to sundry individuals, until March, 1822, when he resigned the appointment. On the 11th March, 1822, his place was filled by the appointment of John Perine, who discharged the duties of Superintendent, up to the time he left the state. A law of the state, as revised in 1824, empowered and enjoined it as a duty, on the president judges to grant leases to our salt lick property, and there is an outstanding and unexpired lease, made by judge Eggleston to David Guard, in January, 1830, under which the reservation was let out by Guard, to Mary Muir, John Davis and Thomas Branan. Some time during the past year, these tenants were induced to believe they could enter the reserve at Congress price, under the late pre-emption law of Congress, and it was proposed, (the tenants not being possessed of funds,) that if they would appoint Amos Lane their Attorney in fact, with authority to sell, the funds would be provided, he would procure the entries and one hundred dollars each, would be given the tenants for their rights.

Accordingly, the tenants, Mr. Lane and Levi Miller, to whom the land was afterwards deeded, and who shared in the speculation, presented themselves at the Land Office and applied for the entry of the reserve. The application being rejected, Mr. Lane went to Washington, to urge the claim before the Commissioner of the General Land Office, by the authority of whose letter to the Register; the object of the parties was consummated on the return of Mr. Lane to Cincinnati, and patents immediately issued.

That the Commissioner erred in his decision, there can be no room to doubt. James Noble, late Senator, by letter of January, 1826, asked the Commissioner if this section, "has been considered under the head of grants to this state?" His letter was referred to the Register at Cincinnati, who, in reply, pointed out the law under which the section was reserved; this, with the fact.

that all lands in the state, returned as saline reserves or salt licks, had been granted the state, should not have escaped his notice. Besides, the Register, in submitting the application of Mr. Lane, to the Commissioner, informed him that this section was known and designated as the lick section or saline reserve. The Receiver, in his letter of 1st June, 1831, laying Mr. Lane's application before the Commissioner, informed him the land would bring ten or twelve dollars per acre, and "that salt was actually made at one time on the reservation;" and the same officer, by letter of the 23d July following, not only suggested that it would be wrong to suffer Mr. Lane to make the entry, but urged the Commissioner to review the decision made in favor of Mr. Lane, stating Guard assures me the land was distinctly reserved, that it can be satisfactorily proved, that large quantities of salt have been made on it, and that the state of Indiana has long had it in possession, and in care of an agent. The correspondence here referred to, may be had at the General Land Office.

With this outline of the history of our claim, and the recent transaction by which a conflicting title has originated, I herewith transmit a joint resolution of the Legislature on the subject, and request you to take such steps as will meet the indicated view of that body. Exertions to obtain further information, have prevented my sending the resolution sooner.

I am, gentlemen,

With great respect,

Your obedient servant,

N. NOBLE.

Indiana delegation in Congress, addressed to Messrs. Hendricks and Tipton.

(B.)

LAND OFFICE AT VINCENNES, }
December 6th, 1832. }

Sir:—I have the honor to acknowledge the receipt of your letter of November 24th, and I hasten in reply thereto, to give you all the information which I am able to communicate.

In the letter of the then Secretary of the Treasury, a copy of which is herewith enclosed and marked A, the words which I underlined, formed the ground of the opinion, then unanimously adopted by the Superintendents of the sales, (the Governor of the Territory, the Receiver and Register,) that they were thereby sufficiently authorized to except from the sale and reserve for the use of the salt spring, known by the French Lick, then thought of much importance, thirty six sections.

It is highly probable that such reservation was, in due time com

municated to the Treasury Department; but of this fact, no evidence remains amongst the documents of this office; for, owing to inexperience in a new career, no copies of letters were, for a short time preserved. The erroneous practice was, however, soon corrected.

Amongst the documents of this office, nothing is found that has any relation to the reservation under view, except the enclosed letter from the Commissioner of the General Land Office, marked B, and the answer thereto, marked C, also enclosed.

The thirty-six sections under consideration, having, in consequence of the reservation above mentioned, been withheld from sale at the first public sales, which took place in April, 1807, could not subsequently be brought into market, without a previous proclamation of the President of the United States, directing the public sale thereof; and the public sale of those reserved sections having not been so directed, and having of course never taken place, will account for the impossibility of their being sold at private sale.

In the Surveyor's plats, the aforesaid sections are distinguished from the lands for sale, by being coloured all over, and in the large map of the district, only by a coloured line surrounding them, viz: Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, in town 2, N. R. 2 W. and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, in town 1, N. same range. The words 'salt spring,' are found in sections 27, 28 and 34.

The N. E. qr. of section 14, T. 7, N. R. 2, W. a salt spring is marked from information.

The class and tract books contain the lands open for sale only, the reserved sections, of course, are not found therein.

There is nothing in this office, respecting a salt spring in section 31, T. 9, R. 2, called in your letter Jackson's spring. In what precedes, you have all the information I am able to furnish relation to the subject of your inquiries.

I am very respectfully, sir,

Your most ob't. servt.

JOHN BADOLLET, R. L. O.

(A. Accompanying the preceeding.)

TREASURY DEPARTMENT,
October 11th, 1806. }

GENTLEMEN:

I have the honor to enclose the President's proclamation, fixing the time of sales of the public lands at Vincennes, on the last Monday of April next. No certain account of the completion and transmission of the surveys having been received till very lately, it was not possible to give notice of the sales for this Autumn.

You will be pleased to cause this proclamation to be inserted once a month till May, in the papers which may be published in the Territory of Indiana, and also in one newspaper in each of the following places, viz: Cincinnati, Chillicothe, Loutsville, Frankfort and Lexington.

From the sales, must be excepted the tracts set aside for satisfying private claims, the college township, as located by my letter of yesterday to the Register, the section No. sixteen, in each township, and all the sections including salt springs as may have been discovered. But you must observe that it is understood that no part of the lands adjoining the great salt spring upon the saline creek, though ceded by the treaty of 7th of June, 1803, shall be offered for sale; and you will be pleased, in relation to the other salt springs, which may be included within the boundaries of the tract offered for sale, to make report to this department of such as have come within your knowledge, whether returned by the Surveyor General or not, and to state whether, in your opinion, any adjoining sections should be reserved by the President of the United States, in conformity with the 6th section of the act of March 26th, 1804. It has also been stated that there was, on the Wabash, a bank of coal, which ought to be reserved for the use of the saline, and on that subject, I also wish to obtain information. You will perceive that your communications on those several points, should be made early enough, that an answer and a decision may reach you before the commencement of the sales.

It has been suggested that three weeks will not be sufficient to offer the whole tract for sale in quarter sections. The time may, perhaps, be extended by Congress, but if it is not, you will be pleased to offer in the first place, all the lands south of the base line, and then in regular order from east to west, as much of the remainder as practicable.

You will be pleased to furnish Governor Harrison, who will superintend the sales with you, with a copy of this letter

I have the honor to be, respectfully

Gentlemen, your ob't. serv't.

ALBERT GALLATIN.

John Baddollet, Esq. and Nathaniel Ewing, Esq. Vincennes.

(B)

TREASURY DEPARTMENT, GEN. LAND OFFICE, }
5th February, 1827. }

Sir:—You will be pleased immediately to advise this office of the particular sections and parts of sections in your district, which

may have been reserved from sale on account of salt springs, or saline appearances.

I am, very respectfully, sir,

Your ob't. servant,

GEO. GRAHAM.

John Badollet, Esq. Register of the Land Office at Vincennes,
Indiana,

(C.)

LAND OFFICE AT VINCENNES, }
26th February, 1827. }

Sir:—In conformity with your request of the 5th inst. I have the honor to inform you that the two following quarter sections, viz: S. E. qr. of sec 27, T. 2, N. R. 2, W. and N. E. qr. of sec. 14, T. 2, N. R. 2, W. have been, agreeably to the act of Congress of the 26th March, 1804, withheld from sale, as containing salt springs, and that a number of sections, equal to the extent of one whole township, have been reserved for the use of the salt spring situated within the first named tract, and agreeably to the directions from the Secretary of the Treasury, contained in his letter of October 11, 1806, no lands have been reserved from sale round the second tract. No evidence of any other salt spring within this district, is in possession of this office.

Another reservation, although not coming strictly within the scope of your inquiry, has been made, which I deem proper to mention, namely, that of the N. W. qr. of frac. 26, T. 1, N. R. 5, W. situated on the bank of White river, and containing a stratum of fossil coal.

By reference to the same letter of the Secretary, adverted to above, you will perceive that I was instructed to inform him, whether a bank of coal, said to exist on the Wabash, ought not to be reserved for the use of the U. S. saline. Upon investigation, it was found that the said bank was situated in a part of the country to which the Indian title had not yet been extinguished. It struck my mind that the coal bank on White river, ought to be reserved, as a substitute for the Wabash bank. Whether I stated those circumstances to Mr. Gallatin, or whether I wrote at all on the subject, at this distance of time, I cannot recollect, and can find no copy amongst my letters, which has any relation to that matter. The fact is, however, that the quarter in question has never been exposed to sale.

The part in the enclosed list, embraced within the brackets, ex

hibits, beside the salt spring, known by the name of French Lick, the designations of all the sections reserved for the use thereof.

I am, very respectfully, sir,

Your obedient servant,

JOHN BADOLLET.

Geo. Graham, Com. Gen. Land Office.

(C)

LAND OFFICE, }
Cincinnati, March 10, 1832. }

Sir:—In compliance with your request, I have prepared and enclose copies of all the correspondence and documents, found in this office, having any material bearing upon the original reservation, and recent sale of section 25, T. 6, R. 1, W. generally known as the lick section or saline reserve.

I have been unable as yet, to find the deposition supposed to have been filed by Duford, and, as there does not appear to have been any formal entry, in the books on the subject, I am unable to give any positive or confident answer to some of the queries submitted. It is known that the tract has been long marked on the office map, as a saline reserve; that the Surveyor General's plat and field notes, represent it as a lick section, containing an extraordinary salt lick, said to be superior to any in the Territory; that it seems to have been left out of the public sale by quarter sections in Sept. 1804, and marked U. S. on the official schedule of quantities; that a deposition in relation to it is believed to have been filed in this office, by Charles Duford, about the year 1804, and that salt was, about that time, manufactured by the deponent, or others thereon. But as to the precise character of, or authority for the reservation, I can afford you little more than the information which may be gathered from the enclosed papers, of which the following is a list:

No 1. Copy of the Register's letter to the Commissioner, announcing Mr. Lane's applications, and expressing doubts of their validity.

No. 2. Reply of the Commissioner, authorizing the entries, unless specific and satisfactory authority should be found for suspending them.

Nos. 3 and 4. Extracts from the Receiver's letters to the Commissioner, doubting the legality of Mr. Lane's applications, under the pre-emption law of 1830.

No. 5. Letter from Senator Noble, to the Commissioner, dated Jan. 20th, 1826, relative to the condition of the tract, and the sale of one quarter thereof to Daniel Perine.

No. 6. Reply to the same, from the Register, to whom it had been referred, for an explanation by the Commissioner.

No. 7. References made by Mr. Lane, in explaining and advocating, to the Register and Receiver, the propriety of admitting the claims.

Nos. 8, 9 and 10. Copies of the depositions, filed by Mr. Lane, in behalf of Mary Muir, John Davis and Thomas Branan, in whose favor, final certificates, Nos. 2272, 2273 and 2274, were forwarded early in July, 1831, for patents, which it is generally understood that Mr. Lane procured, in person, at the General Land Office.

Any other information on our files, which may be deemed essential to your purposes, will be furnished as you may direct.

It may be proper to add, that the Commissioner has been duly advised, of your application at this office, for the foregoing information.

I am very respectfully, sir,

Your obedient servant,

PEYTON S. SYMMES, Reg.

His Excellency Noah Noble, Gov. of Indiana.

(No. 1.)

Same as No. 7, in report of land committee of U. S. Senate.

(No. 2.)

Same as No. 8, in report of land committee of U. S. Senate.

(No. 3.)

Extract of a letter from the Receiver, to the Commissioner of the General Land Office, dated,

CINCINNATI, JUNE 1st, 1831.

A difficulty has occurred, as to the entry of the part of a section of land, near Lawrenceburgh, which Mr. Symmes and myself considered as a saline reserve; the case is referred for your decision. I understand the land would bring, at public sale, ten or twelve dollars per acre. Mr. Lane, who is interested in the entry of it, has gone to Washington on the subject; you will of course hear his views. Since he left town, I have been informed that salt was actually, at one time, made on the reservation. He, I believe, contends that it could not come within the rule, as a salt spring and salt lick.

The Register will give you a full view of the case for your decision.

Signed, MORGAN NEVILLE.

(No. 4.)

Extract of a letter from the Receiver, to the Commissioner of the General Land Office, dated,

JULY 23d, 1831.

From a more full reflection, on the subject of the supposed saline reservation, which you decided in favor of Amos Lane, I am disposed to think the case worthy of being revised. As the interests of the United States are involved in the question, it is probably my duty to suggest to you, the possibility of there being error in suffering Lane to have the land at private sale. Guard assures me, that the land was distinctly reserved, that it can be satisfactorily proved, that large quantities of salt have been made on it, and that the state of Indiana, has long had it in possession, and in care of an agent.

He also says that when he saw you in the winter, your opinion was, that it must be exposed to public sale. This is General Findlay's opinion also, and the Register's.

Signed, MORGAN NEVILLE.

(No. 5.)

WASHINGTON, JANUARY 20th, 1816.

Sir:—I have been requested to state to you, the situation of the three quarter sections of land, in section No. 25, T. 6, R. 1, W. lying in Dearborn county, Indiana, and bordering on the line dividing Indiana and Ohio. The section was originally reserved by the United States, under the prospect that it afforded an abundance of salt water. It has been tried by squatters, and all others who thought proper, and found to be not worth the trouble.—The best quarter has been sold to John Perine. By what authority did Perine purchase? The object in writing to you, is, that some disposition may be made, of the remaining three quarters. Almost every stick of timber has been cut off, and it remains a barren waste. Can a sale be made under the laws now in force? If not, will you give me the particulars, and whether the land has been considered under the head of grants to the state?

Suggest the remedy, for it will ultimately be entirely lost.

I have the honor to be, &c.

JAMES NOBLE.

Hon. Geo. Graham, Com. Gen. Land Office, &c.

(No. 6.)

Extract of a letter from the Register, to the Commissioner of

the General Land Office, dated February 8, 1826. (See No. 2, in report of Land committee in U. S. Senate.

(No. 7.)

References made by Mr. Lane, in explaining and advocating to the Register and Receiver, the propriety of admitting the pre-emption claims, May 28, 1831. Land Laws of the United States, edition of 1828.

Page	421,	section	2.
do.	422,	do.	3.
do.	do.	do.	4,
do.	457,	do.	4,
do.	500,	do.	12,
do.	501,	do.	12,
do.	538,	do.	4,
do.	558,	do.	1,
do.	684,	do.	6,
do.	771,	do.	6,

(No. 8.)

State of Ohio, }
Hamilton county, } ss.

Personally appeared before the undersigned, James Glenn, a justice of the peace, within and for said county, Mary Muir, who being duly sworn, avers that she has occupied and cultivated the south part of the north east quarter of section No. 25, town 6, range 1, west, ever since the death of her late husband, which occurred about eleven years ago; that she raised a crop, of about six acres of corn and potatoes on said land, in the year 1829, and was residing thereon, at the date of the pre-emption act of the 29th of May, 1830, and is now in the actual possession of the same. Deponent further states that she is desirous of obtaining the whole of said quarter, under her pre-emption privilege, and if the north half of said quarter shall be legally claimed, by any other pre-emption claimant, then she is desirous of obtaining in lieu of the same, the east half of the south west qr. of said section, (to which there is no person so far as deponent knows or believes, entitled to lay claim, under the pre-emption act aforesaid,) in addition to the south half of the N. E. qr. on which her improvement is situated.

Signed, MARY X MUIR,

Teste, Amos Lamb.

Also, appeared at the same time and place, John Davis and

David Steele, who being also sworn, aver that they are acquainted with the condition of the aforesaid section, No. 25, town 6, range 1, west, and are confident that the averment of Mary Muir, in the foregoing deposition, that the cultivated and raised a crop, from a portion of the N. E. qr. of said section, in the year 1829, and continued to reside thereon, at the date of the act of the 29th, of May, 1830, granting pre-emption rights to the settlers on the public lands, is just and true.

Signed, JOHN X DAVIS,
Signed, DAVID STEELE.

Witness, J. W. Bowers.

Sworn to before me, in the presence of the Register and Receiver of the Land Office at Cincinnati, this 23d May, 1831.

Signed, JAMES GLENN, J. P.

(No. 9.)

State of Ohio, }
Hamilton county, } ss.

Personally appeared before the undersigned, James Glenn, a justice of the peace, within and for said county, John Davis, who being duly sworn, avers that he has occupied and cultivated the north west qr. of section 25, town 6, range 1, west, since the beginning of the year 1829; that he enclosed about fifty acres, and cultivated about three acres in corn, in the year 1829, and continued to reside thereon, at the date of the act of the 29th May, 1830, entitled, an act granting pre-emption rights to settlers on the public lands," under which law, deponent claims the privilege of purchasing said qr. at the minimum price of \$1,25 per acre.

Deponent further states, that he raised a crop of about twelve acres of corn, flax and buck-wheat, in the year 1830, from said qr. that his improvement is about the centre thereof, and that he is confident that no other person raised a crop from the same quarter either in the year 1829 or 1830.

Signed, JOHN X DAVIS.

Attest, Amos Lane.

Also, appeared, at the same time and place, Mary Muir and David Steele, who being also duly sworn, deposed, that they are well acquainted with the condition of the aforesaid N. W. qr. of sec. 25, town 6, range 1, west, and are confident that the averments of the aforesaid John Davis are correct, that he raised a crop from a portion of said quarter, in the year 1829, and continu-

ed to occupy the same on the 29th of May, 1830, the date of the pre-emption act, under which said Davis lays claim to said land.

Signed, DAVID STEELE,

Signed, MARY & MUIR.

Attest, Amos Lane.

Sworn to before me, in the presence of the Register and Receiver of the Land Office at Cincinnati, this 23d May, 1831.

Signed, JAMES GLENN, J. P.

(No. 10.)

State of Ohio, }
Hamilton county, } ss.

Personally appeared before the undersigned, James Glenn, a justice of the peace, within and for said county, Thomas Brannen, who being duly sworn, avers that he occupied the N. W. part of the N. E. quarter of sec. 25, town 6, range 1, west of 79 52-100 acres, in the autumn of the year 1828; that he raised a crop from the same, in the following year, 1829, consisting of about four acres of corn, (besides potatoes, hemp, flax and oats,) and that he continued in the occupation of said land, (which he now lives on,) at the date of the pre-emption act, of the 29th of May, 1830, granting pre-emption rights to certain settlers on the public lands.

Deponent further states that the south half of said quarter section being claimed by Mary Muir, as an occupying cultivator of the same, deponent only lays claim to a pre-emption entry of the north half of said quarter, and in lieu of the other half, claims the privilege of a pre-emption entry of the west half of the south west quarter of said section, on which there was no person residing at the date of the aforesaid act, who had raised a crop therefrom, in the preceding year, 1829.

Signed, THOMAS BRANNEN.

Also appeared at the same time and place, Levi Miller, who being duly sworn, avers that he is acquainted with the fact, that the aforesaid Thomas Brannen was actually residing on the north part of said quarter as above stated, that he has seen the house erected by said Brannen thereon, and remembers to have seen corn growing in the clearing adjoining said house, in the year 1829, but cannot undertake to specify distinctly, the quantity cultivated. He supposes, however, there was between three and four acres under fence and planted with corn, and is confident that he has been residing on said land ever since with his family, and believes he has now an improvement on said land, of between

ten and fifteen acres. No part of the S. W. quarter of said section having been cultivated in the year 1829.

Signed, LEVI MILLER.

Also appeared at the same time and place, Lewis Dunn, who being also sworn, avers that he is acquainted with the fact of the aforesaid Thomas Brannen having raised a crop from said land, in the year 1829, and that he has continued to cultivate the same ever since; that the quantity cultivated in 1829, was about five or six acres, including corn and other articles; that said Brannen has been in the constant occupation of said land with his family; that deponent does not know of any crop having been raised from any part of the south west quarter of said section, in the year 1829, and that he believes the foregoing statements generally to be true.

Signed, LEWIS DUNN.

Sworn to and subscribed before me, this 28th May, 1831, in the presence of the Register and Receiver of the Land Office at Cincinnati.

Signed, JAMES GLENN, J. P.

Copy of a letter from the Chief Clerk, in the Surveyor General's Office, to Governor Noble, dated,

SURVEYOR GENERAL'S OFFICE,
Cincinnati, 19th Dec. 1832. }

Sir:—In consequence of the pressure of public business in this office, your letter to the Surveyor General of the 8th ultimo, could not be earlier attended to. It is now taken up by direction of Mr. Williams, who is called to Columbus on public business.

You inquire 'what distinguishing remarks were made in the returns of the United States Surveyors, as relate to' certain saline reserves referred to in your letter, and request 'such a description as was given these salines, by the Surveyors, with such evidence on the subject, as may be among the files of your (this) office.'

I have carefully examined the original field notes of the surveys of the townships, in which the salines to which you refer, are situated, and make therefrom, the following extracts.

In the field notes of township No. 1, north, in range No. 2, west, in the Vincennes district, after running the township line west, between section 3, T. 1, N. and sec. 24, T. 2, north, the Surveyor adds.

"In section 3, five chains, 60 links, due south, from 496, 50 links on the last mile, is a salt spring, breaking out at the foot of a hill, near the surface of the ground. The quality of the water could not be ascertained, but the quantity appeared to be sufficient

to form a sheet of water two feet wide, and one inch deep. About four chains south east of this spring, is another salt spring, affording more than double the quantity of water, which appeared in the first spring. Those two springs uniting with a fresh water spring, which breaks out between the two springs, continue along near the surface of the ground, and from (form) a brook or creek, of from 12 to 20 feet in width, in the bottom of which, at a number of places, may be seen other salt springs boiling up through the fresh water. And though the several fresh and salt springs, uniting, form a stream 6 or 8 inches deep, and at least 16 feet in width, yet some distance below where the springs appear, the whole creek appears strongly impregnated with salt.

Other springs make their appearance when the water is low, in the bank of what I call salt lick creek, as it runs through the next mile square, north, or in sec. 34, in township 2. I am well convinced that any quantity of salt water, might be obtained by digging, in case the springs are found weaker than the generality of salt water. It will be necessary to reserve this section, (34, in township 2d,) as the appearance for salt water, by digging, is equally good on that side of the line, as in section 3, south of that mile square.

Concerning the reserves, sec. No. 15, T. 2, N. R. 4, E. called Royce's Lick, and sec. T. 3, N. R. 4, E, called Rock Lick, I find no remark or description in the Surveyor's notes. And in relation to the reserve, sec. 31, T. 9, R. 2, E. called Jackson's Lick, the Surveyor in running the line north, between sections 31 and 32, at the distance of 38 chains, 40 links, makes this brief note, "a salt spring, 23 chains and 70 links, west side.

If any other or further remarks, or report were made by the Surveyors, on the subject of any of the salines referred to, they are not on file in this office.

I have the honor to be, respectfully

Sir, your ob't. serv't.

SAMUEL WILLIAMS, Ch. Clk.

His Excellency, Gov. Noble, Indianapolis, Indiana.

Your committee have endeavored, simply to arrange the subject so as to place it fairly before the Senate. In doing this, they cannot refrain from expressing their regret, that the land committee had not the whole subject before them.

The documents will show that the officers of the land office at Cincinnati, were well aware, at the time the land in question was entered by Mr. Lane, that it had been reserved from sale, as a saline, that salt had actually been made thereon, and that it had long been, and then was in the possession of this state; and it also appears that the commissioner of the General Land Office, was not ignorant of that fact.

Your committee cannot suppose for a moment, that if the claims

of Indiana were valid under the compact, they could in any manner be invalidated, by the acts of the officers of the General Government, or even by the acts of Congress, without her consent.

If then, as has been shewn, the lands in question were reserved from sale, as saline reserves or salt springs, (being terms synonymous,) being so designated by the Surveyor, and so entered on the schedule of quantities and map, the title then became vested in the state, by virtue of the compact or act of admission. It is believed that when the title to real estate becomes unqualifiedly vested in an individual or body corporate, such individual or body corporate, can only be divested of that title, by his or their voluntary consent, or by the decision or decree of a competent court of justice. We believe that Indiana should not sleep over her rights, as it is not doubted that she can have ample remedy in a court of justice.

The committee ask to be discharged from the further consideration of the subject, and recommend the adoption of the following resolution:

Resolved, That the committee on the judiciary be instructed to prepare and report to the Senate, a bill providing for instituting a suit or suits, in the circuit or chancery court of Dearborn county, to recover, in the name of the state of Indiana, the north east, north west and south west quarters of section twenty-five, in township six, range one, west of meridian; and to make such other provisions as the nature of the case may require.

Which was read and concurred in, and the resolution was,
On motion of Mr. Graham, adopted.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Morgan, the following resolution was adopted, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill regulating the mode of practice before justices of the peace, where the defendants claim exceeds the plaintiffs demand, beyond the sum of one hundred dollars.

On motion of Mr. Leviston, the following resolution was adopted, viz:

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, for the several circuit courts in the sixth judicial circuit of this state, to hold three terms in each year, or of providing for an extension of the time of the present terms allowed said courts in the counties where it may seem necessary.

On motion of Mr. Orr, the following resolution was adopted.

Resolved, That the committee on military affairs be instructed to inquire into the expediency of increasing the salary of the Adjutant General.

On motion of Mr. Whitcomb, the following resolutions were adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the recovery of money due by a final decree of a court of chancery, in an action of debt.

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, that no deed of conveyance or mortgage shall be valid, as against a subsequent purchaser or mortgage without notice, unless the same be registered before the registry of the subsequent deed or mortgage.

Mr. Hanna introduced a bill to locate and establish a state road from South Bend, in St. Joseph county via mouth of Elkhart and seat of justice of Lagrange county, to the east line of the state, on the direction of Vistula, on the Maumee Bay, in the state of Ohio,

Which was read and passed to a second reading to-morrow.

On motion of Mr. Graham, a bill to appropriate part of the 3 per cent fund and for other purposes,

Was taken from the table.

Mr. Graham moved to amend the 32d section of said bill, by adding thereto, the following:

But the board doing county business of such county, shall have power to direct such commissioners to pay over such part of such fund, as they may deem proper, to any other commissioner they may appoint.

Which motion prevailed and said amendment was adopted.

On motion of Mr. Fletcher, another section was added to said bill.

On motion of Mr. Long, another section was added to said bill.

Ordered. That said bill be engrossed for a third reading.

On motion of Mr. Lemon, a bill to repeal an act to locate a state

road from New Albany to Lexington, approved February 2d, 1832,

Was taken from the table.

The question was then taken on the passage of the bill.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Farrington, Feeny, Givens, Hendricks, Hillis, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Pollock, Robb, Wallace and Whitcomb—17.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Fletcher, Frisbie, Graham, Hanna, Herod, Hoover, Orr and Pennington—12.

So said bill passed.

Ordered, That the House of Representatives be informed of the passage of said bill.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill and joint resolution, viz:

An act to establish a certain state road therein named, and

A joint resolution relative to the public ferry at Indianapolis;

I am directed to bring them to the Senate, for the signature of their President.

The House have passed engrossed bills of the Senate, entitled as follows, to wit:

An act to amend the act authorizing domestic attachments and regulating the proceedings thereon, and

An act to provide for dividing the state into seven Congressional districts, without amendment, and

An engrossed bill of the House, entitled an act to authorize the proprietor of Thorntown, Boon county, to exchange certain lots therein named.

In which last named bill, the concurrence of the Senate is requested.

The first named bills having been signed by the President were

handed to the committee on enrolled bills, to be laid before the Governor.

The bill last named in the message was read twice by consent, and ordered to a third reading.

A preamble and joint resolutions relative to the proceedings of a late convention of South Carolina, and to the President's proclamation in relation thereto, were,

On the motion of Mr. Pennington, taken up, read a third time and passed by a unanimous vote.

Ordered, That the House of Representatives be informed of their passage, and their concurrence requested.

The Senate proceeded to consider the engrossed bill of the House of Representatives to amend an act regulating the interest of money in the state of Indiana.

Mr. Pennington moved to amend said bill by striking out the 1st section and inserting the following:

Sec. That no person or persons, body politic or corporate, shall, on any contract hereafter made, directly or indirectly take or receive for the loan or use or forbearance of money, or on any contract for the payment of money, above the rate or value of six dollars for loan, use or forbearance, or on the contract, for the payment of one hundred dollars for one year; and so proportionally, for any greater or less sums, and for any longer or shorter time, unless the stipulation to pay a higher rate of interest be made in writing, and signed by the party to be charged; but in no case whatever, shall any person or persons, body politic or corporate, take or recover more than ten dollars for any such loan, use or forbearance of money, or on any such contract, for the payment of one hundred dollars for one year, and so proportionally, for any longer or shorter time, or for any greater or less sum.

Mr. Robb moved to amend the original bill, by striking out 6 per cent. per annum.

Mr. Whitcomb moved to recommit said bill to a committee of the whole Senate and made the order of this day now.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Farrington, Fletcher, Frisbie, Graham, Hanna, Herod, Jessup, Leviston, Morgan, Robb, Wallace and Whitcomb—15.

And those who voted in the negative, are

Messrs. Chambers, Clark, Ewing, Feeny, Givens, Hendricks, Hillis, Hoover, Lemon, Logan, Long, M'Carty, Orr, Pennington, and Pollock—15.

The Senate being equally divided, the President voted in the affirmative.

So said bill was recommitted.

And the Senate went into committee of the whole, for the purpose of considering the same, when, after some time occupied in the consideration of the same, the committee rose, and Mr. Lemon, their chairman, reported progress, and asked leave to sit again. Which was granted.

And on motion,

The Senate adjourned.

SATURDAY, JANUARY 5, 1833.

The Senate assembled.

On motion, leave of absence is granted Mr. Long, until Tuesday next.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred the petition of Wm. M. Reyburn and others, praying for the organization of the new county Miami, have had the subject under consideration, and on examining the petition, the committee discover that only forty-three persons have presented their names, who are in favor of organizing and incurring the burthens of a new county at this time, and it is ascertained that the possessory interest to more than one half of the proposed territory, for the new county, has not as yet, been acquired from the Miami tribe of Indians; therefore the committee deem legislation on the subject proposed in the petition, inexpedient, and ask to be discharged from a further consideration thereof;

Which was read, and

On motion, laid on the table.

Mr. Ewing, from the select committee to which the subject had been referred, now reported a memorial of the General Assembly of Indiana, requesting Congress and the President, to recharter the existing bank of the United States;

Which was read twice by consent, and

On motion of Mr. Logan, referred to a committee of the whole Senate, and made the order of the day for Monday next.

The Senate proceeded to the consideration of the orders of the day.

A bill to establish a state road from the South Bend, in St. Joseph county via the mouth of Elkhart and seat of justice of La-grange county, to the east line of the state, in the direction of Vistula, on Maumee Bay, in the state of Ohio,

Was read the second time and ordered to a third reading on Monday next.

A bill organizing the eighth judicial circuit, and fixing the times of holding courts therein,

Was read the third time.

On motion of Mr. Clark, said bill was amended by consent.

Mr. Givens moved to recommit the bill to the judiciary committee, with instructions to re-organize the now existing circuits, so as to equalize the burdens of the judiciary among the present judges.

Which motion was decided in the negative.

And the said bill passed.

Mr. Beard, on leave granted, introduced the following resolution viz:

Resolved, That when the Senate adjourns, it will adjourn until Monday morning at the usual hour.

Which was adopted.

The following bills, viz:

For the relief of John Conner;

To provide for the indemnification of persons through whose lands roads are or may be located;

To locate a state road from Greensburgh by way of Hartsville, to Columbus;

To locate a state road from Salem via Middletown to Orleans, in Orange county;

To declare the road passing through Allensville, in Switzerland county, a state road;

To establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county;

To authorize the proprietor of Thorntown, in Boon county, to exchange certain lots therein named; and

A bill supplemental to an act, to authorize the agent of state for the town of Indianapolis; to lay off the land belonging to the state into lots and offer them for sale,

Were severally read a third time and passed.

Ordered, That the House of Representatives be informed of the passage of said bills, and their concurrence requested to those of the Senate.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bill, entitled an act and joint resolution, to wit:

An act to establish a certain state road therein named;

A joint resolution relative to the public ferry at Indianapolis.

A bill to amend an act entitled, an act regulating the practice in suits at law, approved Jan. 29, 1831,

Was read the third time, and

On motion of Mr. Whitcomb, referred to the judiciary committee, with instructions to incorporate the same with such kindred subjects as may be before them.

And on motion,

The Senate adjourned.

MONDAY, JANUARY 7, 1833.

The Senate assembled.

On motion of Mr. Morgan, leave of absence is granted to Mr. Hendricks, for two days.

The President laid before the Senate, the following communication:

EXECUTIVE DEPARTMENT, {
Indianapolis, 5th January, 1833. }

Sir:—Through the Senate, I lay before the Legislature sundry

resolutions passed at the present session of the Legislature of Pennsylvania, relative to the union of the states and the constitution of the United States.

N. NOBLE.

THE HON. DAVID WALLACE,
President of the Senate:

Which, having been read,
On motion of Mr. Dumont, were laid on the table.

The President laid before the Senate, the following communication from James Blake, & Co.

Which was read and referred to the joint committee on public buildings.

TO THE HON. THE PRESIDENT OF THE SENATE:

Permit us to lay before the Senate, the following extract of a letter recently received from Ithiel Town, Esq. the Architect, who contracted for the erection of the State House, relative thereto.

Very respectfully,
Your obedient servants,
JAMES BLAKE & Co.

Indianapolis, Jan. 3d, 1833.

Extract of a letter from Ithiel Town, Esq. dated,

NEW HAVEN, DECEMBER 15, 1832.

The most important point, which I would respectfully suggest to the Legislature, is to add the other square, and to make the whole two squares into one parallelogram, and place the building in the centre exactly. This is of great consequence, very great indeed, and can never be done, unless during this session of the Legislature. I hope they will stick to the improvement, as they will see I have no self interest in this point, they will surely hear to the subject. This should most surely be done, at all events—and on further reflection, if the basement, viz: the platform of earth round the building, were to be raised two feet higher, than at present intended, it would be a great advantage to the building, (standing low as it does,) without much expense, in proportion to its importance, to the elegance of such a building; and after much attention to the subject, I have thought of no other alteration of importance, that can be made, which requires any attention from the Legislature. No plan of a building that I have ever seen exhibited in New York, has met with so general approbation as this has. Every one is astonished to learn, that such a Capitol is to be erected in so new a state.

We are about to have a view of it engraved and published.

Mr. Blair presented the petition of Austin Bishop and others, citizens of Vermillion county, praying the incorporation of a state bank;

Which was read, and

On motion of the same gentleman, referred to the same committee of the whole, to which the bill for the establishment of a state bank, was referred.

Mr. Pollock presented the petition of Joel Deconrsey and others, citizens of Dearborn county, praying certain local relief;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Pollock, Dumont and M'Carty, compose said committee.

Mr. Robb presented the petition of John M'Faddin and others, citizens of Gibson county, praying certain local relief in said petition named;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Robb, Givens and Frisbie, compose said committee.

Mr. Fletcher, from the committee on the judiciary, to which was referred a bill to amend an act, entitled an act relative to foreign attachment, approved Jan. 20th, 1831, now reported that the committee had had the same under consideration and a majority of the committee had agreed to several amendments, which they had directed him to report.

On motion of Mr. Ewing, said bill and the proposed amendments, were referred to a committee of the whole Senate.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, directing them to inquire into the expediency of amending the act regulating the jurisdiction and duties of justices of the peace, so that in all trials where the defendant is requested to answer on oath, as to the plaintiffs cause of action, and refuses to make such answer, that the plaintiff shall not be entitled to a judgment as though the matter had been confessed, but shall be at liberty to testify to his cause of action, as a disinterested witness, have had the same under their consideration, and a majority of the committee deem it inexpedient to legislate upon the subject, and ask to be discharged from a further consideration of the resolution;

Which was read and concurred in:

Mr. Farrington, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred a resolution, directing them to inquire into the expediency of amending the act entitled an act for the relief of insolvent debtors, so as to require that a notice should be given by any person applying for the benefit of said act, of the time and place of such application, and also whether any further amendment is necessary to said act, have had the same under consideration, and have directed me to report the following bill, viz:

A bill to amend the act entitled an act for the relief of insolvent debtors, approved Feb. 9, 1831.

Which was read and passed to a second reading to-morrow.

Mr. Whitecomb from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of Delana R. Eccles and others, praying for a change in the probate system, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with a recommendation, that the same be referred to the same committee of the whole, to whom has been referred a bill in relation to that subject.

Which was read and the recommendation in said report, concurred in.

Mr. Ewing, from the committee on canals and internal improvements, to which was referred the various reports of the canal fund commissioners, the reports of the canal commissioners, and resolutions touching that work, now reported a bill amendatory of the acts in relation to the Wabash and Erie canal;

Which was read and passed to a second reading to-morrow.

Mr. Ewing, from the same committee, to which had been referred a petition, for the removal of the office for the sale of canal lands from Fort Wayne to Logansport, and a resolution instructing said committee to inquire into the expediency of memorializing Congress to provide for the purchase of all stock owned by individuals, in the Louisville and Portland canal company, by the general government, now reported that said petition and resolutions had received the consideration of the committee, and that in their o-

pinion it would be inexpedient to legislate upon either of said subjects at present; they therefore ask to be discharged from the further consideration of the same;

Which was read and the committee discharged.

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Jacob Colip and others, praying that an additional tax may be imposed by law, of the lands on non-residents for certain purposes, have, according to order, had the same under consideration, and have directed me to report that they view the petition as contemplating the raising of revenue, and that a bill for such purpose, should it be deemed expedient, can only originate in the House of Representatives, under the constitution, they therefore report the said petition back to the Senate, with a recommendation that leave be given the petitioners, to withdraw the same.

Which was read and concurred in.

Mr. Whitcomb, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Abednego Walden and others, praying certain relief, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with a recommendation that an amendment be attached to the bill now before the Senate, for an additional appropriation of the 3 per cent. fund, so as to authorize the board of commissioners of Mouroe county, to make an allowance to the petitioners out of that part of said fund which may be allowed to said county;

Which was read and concurred in.

On motion of Mr. Robb, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act regulating divorces, as to authorize the associate judges to decree divorces in all cases in which the presiding judge, may have been retained as counsel, or may be related to either of the parties concerned, and that they report by bill or otherwise.

On motion of Mr. Beard the following preamble and resolution was adopted:

Whereas the 22d Congress of the U. S. will expire on the 4th day

of March next, and whereas by our laws, the election for Representatives to the 23d Congress will not take place till the 1st Monday of August next, and whereas circumstances may transpire that would require the President to convene the Representatives of the Nation, during this interval; therefore,

Resolved, That the committee on elections, be instructed to inquire into the expediency of so amending our laws, relative to the election of Representatives to Congress, as to authorize the Governor, in the event aforesaid, to issue his writ of election, to the proper officers, in order that Representatives may be elected to the 23d Congress, with leave to report by bill or otherwise.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed without amendment, a preamble and joint resolution, from the Senate, relative to the proceedings of a late convention of South Carolina and to the President's proclamation, in relation thereto.

They have passed an engrossed bill of the House, entitled an act to more permanently establish the boundary line between Vermillion and Warren counties;

In which bill I am directed to ask the concurrence of the Senate.

Said bill was read and passed to a second reading to-morrow.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendment of the Senate to the engrossed bill of the House entitled, "an act organizing the eighth Judicial Circuit, and fixing the times of holding Courts therein.

On motion of Mr. Jessup, the following resolution was adopted:

Resolved, That the committee on the state library, inquire into the expediency of authorizing the managers of the said library, to procure a complete set of Niles' Register, for the use of said library, and of subscribing, on behalf of the state, for the future numbers of said work.

On motion of Mr. Chambers, the following resolution was adopted:

Resolved, That the committee on education be instructed to in-

quire into the expediency of so amending the 46th section of the act, incorporating Congressional townships and providing for public schools therein, as to authorize and require the township trustees to exact good and sufficient security from the township Treasurer.

Mr. Ewing, on leave granted introduced a bill to authorize the board of commissioners of Knox county, to provide for the support of the paupers of said county;

Which was read and passed to a second reading to-morrow.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The Senate proceeded to the consideration of the orders of the day.

A bill to provide an Executive officer for the supreme court,
Was read a second time, and

On motion of Mr. Fletcher, referred to the committee of the whole Senate, and made the order of the day for to-morrow.

A bill to appropriate a part of the three per cent. fund, and

A bill to locate and establish a state road from South Bend, in St. Joseph county via the mouth of Elkhart and the seat of justice of Lagrange county, to the state line of Ohio, in the direction of Vistula, on Maumee Bay, in the state of Ohio,

Were severally read a third time and passed.

On motion of Mr. Logan, the Senate went into committee, for the purpose of taking into consideration a bill to establish a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Jessup, their chairman, reported progress, and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

TUESDAY, JANUARY 8, 1833.

The Senate assembled.

Mr. Pennington presented the petition of Mary Lane, widow of Daniel C. Lane, praying certain relief named in said petition; Which was read, and

On motion of the same gentleman, referred to the judiciary committee.

Mr. Fletcher, from the judiciary committee, to which had been referred a bill for the abolition of the imprisonment of female debtors, now reported said bill with sundry amendments;

Which were read and concurred in.

Mr. Dumont moved that the further consideration of said bill, be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Clark, Dumont, Feeny, Herod, Hoover, Levis-ton and Logan—8.

Those who voted in the negative, are

Messrs. Blair, Chambers, Ewing, Farrington, Fletcher, Frisbie, Givens, Graham, Hanna, Hillis, Jessup, Lemon, Long, M'Carty, Morgan, Orr, Pennington, Pollock and Robb—19.

So said bill was not thus postponed.

On motion of Mr. Herod, said bill and amendments were referred to a committee of the whole Senate.

Mr. Robb, from the committee on roads, made the following report:

The committee of roads, to whom was referred the petition of sundry citizens, representing that it would promote public convenience to vacate part of the state road leading from Wm. Conley's in Lawrence county, to Greencastle in Putnam county, and the remonstrance of sundry citizens of Lawrence, Monroe, Owen and Green counties, remonstrating against the vacation prayed for by the petitioners, have had the subject to them referred, under consideration, and find that the citizens who have signed the remonstrance considerably exceed the number who have signed the petition; therefore your committee consider that the propriety of complying with the request of the petitioners, is at least doubtful.

and therefore inexpedient, consequently the committee desire to be discharged from the further consideration of this subject;

Which having been read, the committee were discharged.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills and joint resolutions, as follows, to wit:

An act organizing the eighth judicial circuit, and fixing the times of holding courts therein;

An act to provide for dividing the state into seven Congressional districts;

An act to amend the act entitled an act authorizing domestic attachments and regulating the proceedings thereon, approved Jan. 19, 1831;

A preamble and joint resolutions relative to the proceedings of a late convention of South Carolina, and to the President's proclamation in relation thereto.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, viz:

An act organizing the eighth judicial circuit and fixing the times of holding courts therein.

An act to provide for dividing the state into seven Congressional districts, and

An act to amend the act entitled, an act authorizing domestic attachment and regulating the proceedings thereon, approved Jan. 19, 1831;

I am directed to bring them to the Senate, for the signature of their President.

The President of the Senate having signed said bills, they were handed to the committee on enrolled bills, to be presented to the Governor, for his approval and signature.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to provide for dividing the state into seven Congressional districts;

An act to amend the act entitled, an act authorizing domestic attachment and regulating the proceedings thereon, approved Jan. 19, 1831;

An act authorizing the eighth judicial circuit and fixing the times of holding courts therein.

On motion of Mr. Farrington, the following resolution was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing by law, the several courts of this state, to adjourn the terms of any of said courts, to some further day, before the next regular terms, whenever the prevalence of disease shall prevent the holding of a court, at any term thereof, and also to inquire into the expediency of providing by law, that a failure of any court to meet at any term, shall not operate as a discontinuance of the cause so docketed in any such court, with leave to report by bill or otherwise.

On motion of Mr. Ewing, the report of the Trustees of Indiana College, was taken from the table and referred to the same select committee to which the subject of College Charters had been referred.

On motion of Mr. Hillis, the following resolution was adopted:

Resolved, That the committee on education be instructed to prepare an amendment to the act incorporating Congressional townships, and providing for public schools therein, so as to enable the inhabitants of fractional townships, where no lands have been reserved for the use of schools, to participate in the enjoyment of school privileges, with the inhabitants of the nearest adjoining township.

Mr. Lemon offered for consideration, the following resolution:

Resolved, That the committee on the affairs of the state prison be instructed to inquire into the expediency of amending the 9th section of the act for the regulation of the same, so as to authorize the Governor to appoint some suitable person, as visitor to the state prison, who resides in the town of Jeffersonville or its vicinity.

On motion of Mr. Hillis, said resolution was amended, by striking out the eleven last words.

Mr. Graham moved further to amend the said resolution, by making it imperative in said committee, to amend said 9th section in the manner proposed.

Which motion did not prevail.

And on the question, shall said resolution be adopted?

It was decided in the negative.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

His Excellency, the Governor has approved and signed bills of the following titles, which originated in the Senate, viz:

An act to provide for dividing the state into seven Congressional districts, and

An act to amend the act entitled, an act authorizing domestic attachments, and regulating the proceedings thereon, approved Jan. 19, 1831.

Mr. Beard, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act for the relief of John Conner;

An act to authorize the proprietor of Thorntown, Boon county, to exchange certain lots therein named.

And find the same truly enrolled.

On motion of Mr. Feeny, the following resolution was adopted:

Resolved, That when the Senate adjourn, it will be until to-morrow morning at the usual hour.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that they have adopted the following resolution:

Resolved, That this House, (the Senate concurring,) will, on to-morrow, at 2 o'clock, P. M. proceed to elect a circuit judge for the 8th judicial circuit, and an attorney, to prosecute the pleas within the said judicial circuit, and also of a board of canal commissioners, that the Senate be requested to reciprocate this resolution, and informed that seats are provided for the members of the Senate, on the right of the Speaker's chair. Mr. Moore is appointed teller on part of the House.

Mr. Pennington moved that said message lie on the table.

Which motion did not prevail.

Mr. Whitcomb moved that the Senate reciprocate the resolution of the House.

Mr. Beard moved to amend the motion of Mr. Whitcomb, as follows, that the Senate reciprocate so much of the resolution of the House, as relates to the election of a president judge and prosecuting attorney of the 8th judicial circuit.

Which motion prevailed, and thus amended said resolution was reciprocated.

Ordered, That the House of Representatives be informed of the rescission of said part of their resolution.

And on motion,

The Senate adjourned.

WEDNESDAY, JANUARY 9, 1833.

The Senate assembled.

Mr. Robb, from the select committee to which had been referred the petition of sundry citizens, interested and owners of property, in the town of Owensville, in Gibson county, now reported a bill in accordance with the petition, entitled a bill to repeal an act entitled, an act to vacate the town of Owensville, approved Jan. 3, 1829;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Leviston, the following resolution was adopted:

Resolved, That the committee on education be instructed to inquire into the expediency of memorializing Congress, on the subject of extending the provision already made for the inhabitants of fractional congressional townships, where no lands have been reserved for the use of schools, so as to provide that the said inhabitants of fractional townships may select their school lands, any where in the state, and not be confined to the land district in which the fractional township may be situate, with leave to report by memorial, joint resolution or otherwise.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, &c. entitled as follows, to wit:

An act to authorize the proprietor of Thortown, in Boon county, to exchange certain lots therein named,

An act for the relief of John Conner, and

A preamble and joint resolutions relative to the proceedings of a late convention of South Carolina, and to the President's proclamation, in relation thereto;

I am directed to bring them to the Senate for the signature of their President.

The House have passed an engrossed joint memorial, which originated in the House, on the subject of a treaty with the Miami nation.

In which the concurrence of the Senate is requested.

Said joint memorial was read twice by consent, and ordered to a third reading.

Mr. McCarty, on leave granted, introduced a bill to incorporate the Harrison and Indianapolis turnpike company;

Which was read twice by consent, and

On motion of Mr. Dumont, referred to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Clark, on leave granted, introduced a bill to define and establish the boundaries of the counties of Wabash and Miami;

Which was read and passed to a second reading to-morrow.

The Senate proceeded to the consideration of the orders of the day.

The following bills, viz:

To amend the act entitled an act for the relief of insolvent debtors, approved Feb. 9, 1831;

A bill to authorize the board of commissioners of Knox county to provide for the support of the paupers of said county;

A bill of the House of Representatives, more permanently to establish the boundary line between Vermillion and Warren counties,

Were severally read a second time and ordered to a third reading.

A bill amendatory of the acts in relation to the Wabash and Erie canal,

Was read the second time, and

On motion of Mr. Pennington, committed to the whole Senate for consideration.

On motion of Mr. Morgan, the Senate went into a committee of their whole body, for the purpose of resuming the consideration of a bill to establish a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Leviston, their chairman, reported progress and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that they have adopted the following resolution:

Resolved, That the Senate be informed that this House is now ready to go into the election of a president judge and prosecutor for the 8th judicial circuit, and that their presence is requested instantler, and that seats are provided for them on the right of the Speaker's chair.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

MR. PRESIDENT:

I am instructed to inform the Senate, that the Governor did, this day, approve and sign a preamble and joint resolutions relative to the proceedings of a late convention of South Carolina, and to the President's proclamation in relation thereto, which originated in the Senate.

On motion of Mr. Pennington, the Senate retired to the hall of the House of Representatives, for the purpose of electing a president judge and prosecuting attorney of the 8th judicial circuit, and on counting the first ballott, it appeared that Charles W. Ewing had received 12 votes, William M. Jenners 11 votes, Tilman A. Howard 17 votes, Gustavus A. Everts 26 votes, Isaac Pearson 4 votes, Andrew Davidson 8 votes, James Morrison 11 votes, Marinus Willet 8 votes, Thomas Anthony 2 votes, scattering 1 vote.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded in like manner to a second ballott, and on counting the ballots, it appeared that Charles W. Ewing received 16 votes, William M. Jenners 12 votes, Tilman A. Howard 23 votes, Gustavus A. Everts 29 votes, Isaac Pearson 4 votes, Andrew Davidson 8 votes, James Morrison 7 votes, Marinus Willet 1 vote and Thomas Anthony 1 vote.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded in like manner to a third ballott, and upon counting the ballotts, it appeared that Charles W. Ewing had received 14 votes, William M. Jenners 7 votes,

Tilman A. Howard 36 votes, Gustavus A. Everts 36 votes, Isaac Pearson 2 votes, Andrew Davidson 5 votes, James Morrison 1 vote, blank 1 vote.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded to a fourth balloting, and on counting the ballots, Charles W. Ewing had received 8 votes, William M. Jenners 2 votes, Tilman A. Howard 41 votes, Gustavus A. Everts 50 votes.

Neither of the gentleman having received a majority of all the votes given, both Houses proceeded to a fifth balloting, and on counting the ballots, it appeared that Charles W. Ewing had received 1 vote, Tilman A. Howard 47 votes, Gustavus A. Everts 52 votes, blank 1 vote.

Gustavus A. Everts having received a majority of all the votes given, was declared by the President of the Senate, in presence of both Houses, to be elected President Judge of the 8th Judicial Circuit, and to serve as such, seven years from this day.

Both Houses proceeded to the election of a Prosecuting Attorney for the 8th Judicial Circuit, whereupon, on counting the ballots, it appeared that Henry Chase had received, for that office 10 votes, Henry Cooper 17 votes, John B. Chapman 22 votes, B. S. Noble 12 votes, Henry Secrest 20 votes, Saml. W. Parker 6 votes, Benj. Bull 12 votes, scattering 2 votes.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded to a second balloting, and on counting the ballots, it appeared that Henry Chase had received 11 votes, Henry Cooper 18 votes, John B. Chapman 23 votes, B. S. Noble 8 votes, Henry Secrest 27 votes, Saml. W. Parker 4 votes, Benj. Bull 6 votes, scattering 4 votes.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded to a third balloting, and on counting the ballots, it appeared that Henry Chase had received 12 votes, Henry Cooper 22 votes, John B. Chapman 22 votes, B. S. Noble 5 votes, Henry Secrest 30 votes, Benj. Bull 4 votes, Saml. W. Parker 3 votes, blank 3 votes.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded to a fourth balloting, and on counting the ballots, it appeared that Henry Chase had received 13 votes, Henry Cooper 20 votes, John B. Chapman 25 votes, B. S. Noble 2 votes, Henry Secrest 36 votes, Benj. Bull 2 votes, Saml. W. Parker 1 vote.

Neither of the gentlemen having received a majority of all the votes given, both Houses proceeded to a fifth balloting, and on

counting the ballots, it appeared that Henry Chase had received 13 votes, Henry Cooper 17 votes, John B Chapman 23 votes, B. S. Noble 3 votes, Henry Secrest 42 votes, Benj. Bull 1 vote.

Neither of the gentlemen having received a majority of all the votes given, the President adjourned the convention until to-morrow morning half past 9 o'clock, and the Senate returned to their chamber,

And on motion,

The Senate adjourned.

THURSDAY, JANUARY 10, 1833.

The Senate assembled.

Pursuant to adjournment, the Senate repaired to the House of Representatives, to resume the election of a Prosecuting Attorney for the 8th judicial circuit, and upon counting the sixth ballot, it appeared that Henry Chase had received 19 votes, Henry Cooper 7 votes, John B. Chapman 25 votes, Benj. S. Noble 20 votes, Henry Secrest 28 votes and Benj. Bull 1 vote.

No person having a majority of the whole number of votes given, a seventh balloting was ordered, and upon counting the votes of the seventh balloting, it appeared that Henry Chase had received 18 votes, Henry Cooper 2 votes, John B. Chapman 30 votes, Benj. S. Noble 19 votes, Henry Secrest 31 votes and Benj. Bull 2 votes.

No person having received a majority of the whole number of votes given, an eighth balloting was ordered, and upon counting the votes, it appeared that Henry Chase had received 9 votes, Henry Cooper 3 votes, John B. Chapman 54 votes, Benj. S. Noble 4 votes and Henry Secrest 31 votes.

John B. Chapman having received a majority of all the votes given, was therefore declared by the President of the Senate, duly elected Prosecuting Attorney for the 8th judicial circuit, to serve as such, two years from this day;

Whereupon the Senate returned to their chamber.

Mr. Blair presented the petition of John Lawyer and others, citizens of Vermillion county, praying the location of a state road from Newport, in said county, to Perrysville;

Which was read and referred to the standing committee on roads.

Mr. Hendricks, from the committee on roads, made the following report.

MR. PRESIDENT:

The standing committee on roads, to whom was referred the report of William Polke, commissioner on the Michigan road, and also so much of the Governor's message as relates to the improvement of said road, directing the committee to inquire into the expediency of appropriating a further sum, out of the Michigan road fund, to continue the improvements on said road, have had the subjects referred under consideration, and report, that they find the accounts, vouchers and statements of the commissioner correct and properly kept, and the provisions of the law under which he acted, complied with on his part, as far as was practicable. Very important improvements have been made, and when the unfinished contracts are completed, it will put the road in a state of improvement that will make it of much importance and advantage to the community; but the time limited by the law of last session, for the completion of the whole contracts, was too short, for all to be finished in the given time. Some of the contractors have not been able to comply with their contracts, as to the time they were to be done; your committee therefore recommend that a further time of nine months be given, for them, to complete their respective contracts. Your committee approve the course adopted by the commissioner, in setting apart a portion of the land to be sold for cash, to raise the necessary fund to be paid into the State Treasury, to settle the amount advanced to the road, and recommend that the land so set apart by the commissioner, be held for that purpose, until the full amount is refunded to the Treasury.

That the road may be gradually improved and kept in a situation to be travelled comfortably at all seasons of the year, your committee recommend that a small appropriation out of the road fund, in addition to the amount heretofore appropriated, be placed at the disposal of the commissioner, to be expended during the ensuing summer, to the improvement of the worst parts of the road and where the greatest difficulty exists, to impede the use of the road. In conformity with these views, your committee herewith submit a bill and respectfully recommend its adoption, entitled, a bill supplemental to an act entitled, an act to provide for selling the Michigan road lands, to open that part of the Michigan

road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2d, 1832;

Which was read and ordered to a second reading on to-morrow.

Mr. Robb, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred the petition of sundry citizens of Carroll county, praying the location of a state road from Delphi, in said county, to Munceytown in Delaware county, have had the same under their consideration, and have directed me to report a bill in pursuance of the prayer of the petitioners, which is herewith submitted, entitled a bill to locate a state road from Delphi to Munceytown;

Which was read and ordered to a second reading to morrow.

The President laid before the Senate, the following communication from the Governor:

EXECUTIVE DEPARTMENT,
Indianapolis, 10th January, 1833. }

THE HON. DAVID WALLACE,
President of the Senate:

Sir:—Through the mail of yesterday, I received the following communications, viz:

A letter from the Governor of Illinois, informing us of an appropriation on the part of that state, of \$11,985 16 for the improvement of the navigation of the Wabash river, inviting an equal sum with the co-operation of this state.

Sundry resolutions from the Legislature of the same state, growing out of the President's proclamation, with a reference to the late proceedings of the state of South Carolina, and a joint resolution from the General Assembly of the same state, recommending a more perfect organization of the militia of the several states.

All of which are submitted for the consideration of the Legislature.

N. NOBLE.

Which communications were severally read, and

On motion of Mr. Ewing, so much thereof as relates to the Wabash river, was referred to the committee on canals and internal improvements.

On motion of Mr. Logan, so much thereof as relates to the militia, was referred to the committee on military affairs.

On motion of Mr. Whitcomb, so much thereof as relates to nullification, was laid on the table.

Mr. Farrington, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Stephen Theodore Badin, for a charter of incorporation to the St. Joseph Orphan Asylum, have had the same under consideration, and directed me to report the following bill entitled, a bill to incorporate the St. Joseph Orphan Asylum;

Which was read twice, the rules of the Senate being dispensed with, and

On motion of Mr. Whitcomb, was referred to a committee of the whole Senate for to-morrow.

Mr. Ewing, from the committee to which had been referred a report on the subject of a state bank, reported, that in accordance with the expressed views embraced in a report referred, and the instruction given in Senate, to that portion of the original committee, from whom the report emanated, a bill has been carefully prepared, and is herewith presented entitled, a bill for the establishment of a state bank;

Which was read, and

On motion of Mr. Ewing, the rules of the Senate were dispensed with, the bill read a second time and 100 copies ordered to be printed.

Mr. Robb offered the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to inquire into the expediency of abolishing the office of Agent of the town of Indianapolis, and that they report by bill or otherwise;

Which was read and adopted.

The Senate proceeded to the consideration of the orders of the day.

A bill to authorize the board of Commissioners of Knox county, to provide for the support of the paupers of said county;

A bill to amend the act, entitled an act for the relief of insolvent debtors, approved Feb. 9, 1831, and

An engrossed bill of the House of Representatives, to more permanently establish the boundary line between Vermillion and Warren counties,

Were severally read a third time and passed.

A bill to establish a state bank, was then taken up in the orders of the day, and

On motion of Mr. Pennington, was postponed until Monday next.

The President laid before the Senate, the following communication from the Hon. B. F. Morris, President Judge of the 5th Judicial Circuit, to wit:

HON. D. WALLACE,
President of the Senate:

SIR:—Permit me thus to lay before the General Assembly, enclosed, a report of the allowances made at the last term of the Marion Circuit Court, in cases where no specific fee for services rendered, are fixed by law.

Respectfully reported,

B. F. MORRIS, Pres. Judge.

Indianapolis, January 10, 1833.

Indiana Marion Circuit Court, September Term, 1832.

It is ordered by the Hon. Bethuel F. Morris, President Judge of the court, under the 20th section of the Fee law, that the following fees, for the following official services, of the Clerk of this Court, for which there does not appear to be any fee fixed by law, be fixed:

For docketing judgments,	\$	12½
For bond and filing, qualifying and certifying same for any civil officer,		50
Filing and entering treasurer's receipt, and issuing license or permit to vend foreign merchandize,		50
For postage paid on letters to Clerk, enveloping process issued by the Court, the amount paid,		
Extending judgment or sentence in a criminal case,		15
Every trial in a criminal case,		25
Replevying judgment on record in civil case,		12½
Docketing cause in criminal cause,		12½

Indiana 5th Judicial Circuit.

The foregoing allowances were made by the court, at the late term in Marion county, and in obedience to the Senate, are reported to the General Assembly.

B. F. MORRIS, Pres. Judge.

Which report was read, and

On motion of Mr. Whitcomb, referred to the committee on the judiciary.

On motion of Mr. Whitcomb, the Senate, according to order resolved itself into committee of the whole, on the bill to incorporate the Monroe female seminary, and after some time spent in the consideration thereof, the committee rose, and Mr. Logan,

their chairman, reported the same with an amendment, which was concurred in by the Senate.

Ordered, That it be engrossed for a third reading.

On motion of Mr. Fletcher, the Senate, according to order, resolved itself into a committee of the whole, on the bill to transfer probate business to the circuit courts, and after some time spent therein, the committee rose, and Mr. Long, their chairman, reported an amendment thereto, which was, by striking therefrom the first section, which reads as follows, to wit:

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That all the powers and jurisdiction heretofore vested in the probate courts, be and the same is hereby transferred to and vested in the several circuit courts in this state, to be there exercised pursuant to the general provisions of the act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831, and that so much of said act as provides for the election and commissioning of probate judges, and the organization of a probate court, be and the same is hereby repealed.

And on the question of concurrence,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Hillis, Hoover, Jessup, Lemon, Logan, M'Carty, Morgan, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—24.

Those who voted in the negative, are

Messrs. Clark, Givens, Herod and Long—4.

So said amendment was concurred in.

On motion of Mr. Pennington, said bill was postponed until the first Monday in August next.

The Senate, according to order, again resolved itself into a committee of the whole, on the engrossed bill of the House of Representatives, to amend an act entitled an act regulating the interest of money in the state of Indiana, and a bill of the Senate upon the subject, and after some time spent therein, the committee rose, and Mr. Lemon, their chairman, reported progress, and asked leave to sit again;

Which was granted.

And on motion,

The Senate adjourned.

FRIDAY, JANUARY 11, 1833.

The Senate assembled.

The following message, from the House of Representatives was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills of the Senate, to-wit:

An act to establish the county line between the counties of Madison, Hancock and Henry;

An act to establish a state road from the Ohio line to Dalton, near the west boundary of Wayne county, and

An act for the relief of Vincent Dufour, heir of John James Dufour, decd.

The first with, and the two latter without amendment.

They have also passed engrossed bills of the House, of the following titles, to wit:

An act supplemental to an act, entitled an act to incorporate the Green county seminary;

An act to amend the act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1832, and

An act to provide for the location of a state road from Rockville to Rob Roy.

In which bills of the House, and the amendment made to the bill of the Senate, the concurrence of the Senate is requested.

The amendment proposed by the House of Representatives to the engrossed bill the Senate, entitled an act to establish the county line between the counties of Madison, Hancock and Henry, was concurred in, and the Secretary ordered to inform the House of Representatives thereof.

The engrossed bills of the House of Representatives, named in the above message, were severally read and ordered to a second reading to morrow.

Mr. Graham made the following report, from the committee of ways and means:

MR. PRESIDENT:

The committee of ways and means, to which was referred the annual report of the Auditor of Public Accounts, have, according to order, examined the books of said office, and beg leave to report, that they find the office in good order, the books kept in a neat, accomptant like manner, corresponding with the annual re-

port in every particular; the whole entirely creditable to that officer.

The following report from the committee of ways and means, was made by Mr. Graham:

MR. PRESIDENT:

The committee of ways and means, to which was referred the annual report of the Treasurer of State, including contingent fund and expenses for stationary, have, according to order, examined the office, books and vouchers on file in said office, and beg leave to report, that they find the office in good order, the books neatly kept, the vouchers regularly filed, and the whole exhibiting a correctness highly creditable to that officer.

Mr. Graham, from the committee of ways and means, made the following report:

MR. PRESIDENT:

The committee of ways and means, to which was referred the annual report of the Secretary of State, on the subject of contracts for stationary, public printing, binding the laws, distributing the laws and journals of the last session, also for furnishing fuel, &c. for the present General Assembly, have, according to order, examined the several proposals and contracts, and beg leave to report, that the contracts made on the several subjects referred to, are quite satisfactory; the state officers, as appears, have, in every instance, closed with the contracts. most favorable to the state.

Mr. Whitcomb, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law, for the recovery of money due by a final decree of a court of chancery, in an action of debt, have, according to order, had the same under consideration, and have directed me to report herewith, a bill, entitled a bill supplemental to an act entitled, an act regulating the practice in suits at law, approved Jan. 29, 1831;

Which was read twice, and

On motion of Mr. Whitcomb, was re-committed to the judiciary committee.

Mr. Wallace, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred the petition of J. W. M'Broom and others, praying the establishment of a state road from Rockville, in Parke county, to Lafayette, have had the same under consideration, and instructed me to report a bill, entitled a bill to establish a state road from Rockville, in Parke county, via Jacksonville, Hillsborough and Newtown, in Fountain county, to Lafayette, in Tippecanoe county;

Which was twice read by consent, and

On motion of Mr. Beard, was re-committed to the standing committee on roads.

Mr. Robb offered the following resolution:

Resolved, That the committee on roads be instructed to inquire whether the mode recently adopted, of appropriating to each county, the portion which it may be entitled to, of the three per cent. fund, has not so simplified and diminished the duties required of the Agent of the three per cent. fund, that the present compensation is more than a reasonable remuneration for the services of him required, and whether the duties of that office, could not be transferred to some other department, where they could be more economically, and equally advantageously performed, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Givens offered the following resolution, which was adopted;

Resolved, That the committee on military affairs, be instructed to inquire whether any amendments to the present militia law, are necessary, to the better preservation of the public arms, with leave to report by bill or otherwise.

Mr. Fletcher offered the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis, be requested to inquire into the expediency of authorizing the Agent of State, to convey to Arthur St. Clair and James Blake, a certain portion of two vacated streets, in the town of Indianapolis, upon their paying the appraised value thereof, with leave to report by bill or otherwise;

Which was read and adopted.

The Senate proceeded to take up the orders of the day.

A bill supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan and for other purposes, approved Feb. 2, 1832, and

A bill to locate a state road from Delphi to Munceytown,
Were severally read a second time, and ordered to be engross-
ed for a third reading to-morrow.

A bill to incorporate the Monroe county female seminary,
Was read a third time and passed.

On motion of Mr. Pennington, the Senate resolved itself into a committee of the whole, on an engrossed bill of the House of Representatives, entitled an act to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1st, 1831, and the bill of the Senate on the same subject, and after some time spent therein, Mr. Lemon reported progress and asked leave to sit again;

Which leave was granted.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message, from the House of Representatives was received by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that they have passed an engrossed joint resolution, relative to the public printing, in which the concurrence of the Senate is requested, entitled an engrossed joint resolution relative to the public printing.

Which was read and ordered to a second reading to-morrow.

On motion of Mr. Herod, the Senate again resolved itself into a committee of the whole, on the engrossed bill of the House of Representatives, to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1st, 1831, and a bill of the Senate on the same subject, and after some time spent therein, Mr. Lemon reported progress, and asked leave to sit again;

Which was granted by the Senate.

And on motion,

The Senate adjourned.

SATURDAY, JANUARY 12, 1833.

The Senate assembled.

Mr. Leviston, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bills, entitled acts as follow, to wit:

An act more permanently to establish the boundary line between Vermillion and Warren counties;

An act for the relief of Vincent Dufour, heir of John James Dufour, decd.;

An act to establish the county line between the counties of Madison, Hancock and Henry;

An act to establish a state road from the Ohio line, to Dalton, near the western boundary of Wayne county;

And have found the same truly enrolled.

On motion of Mr. Pennington, leave having been given, the following resolutions were unanimously adopted:

Whereas the Honorable William Henry Harrison, formerly Governor of Indiana Territory, is now, for the first time, since his official connection with the people of this state, on a visit to the seat of Government,

Resolved, By the Senate of the state of Indiana, that the occasion is cheerfully embraced, to tender to Gov. Harrison a cordial welcome, and express to him their wishes for his health and happiness.

Resolved, That the early, numerous and faithful services rendered by Gov. Harrison, to the people of the territory and state of Indiana, have secured to him a lasting recollection in their esteem and gratitude.

Resolved, That the President of the Senate be requested to present to Gov. Harrison, a copy of the foregoing resolutions.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills, memorials and joint resolutions of the Senate, of the following titles to wit:

A memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers;

An act to locate a state road from Stilesville by the way of New Maysville to Crawfordsville;

An act for the relief of William Richards, road commissioner, and for other purposes;

An act appropriating \$387 86 $\frac{1}{2}$ for the payment of the subscribers to the building of the state prison;

An act to authorize the expenditure of the three per cent. fund, heretofore appropriated for the counties of Huntington and Wabash;

A joint resolution of the General Assembly of Indiana, to urge the speedy survey and sale of lands recently obtained, and the establishment of a land office north of the Wabash river, and

A joint resolution of the General Assembly, relative to the public lands.

The first named memorial with, and the other bills and joint resolutions without amendment.

They have also passed engrossed bills, &c. which originated in the House, of the following titles, to wit:

An act to repeal an act, entitled an act to raise additional revenue for the county of Ripley, approved January 24, 1831;

An act appointing a commissioner on roads No. 10 and No. 26, and authorizing the expenditure by him, of the balance due said roads;

An act to establish a state road from Salem, in Washington county, to Leesville, in Lawrence county;

An act to amend an act, entitled an act for the relief of John Boner, of Jennings county, approved January 26, 1832;

A memorial and joint resolution on military affairs;

An act to incorporate the Ohio and Charlestown turnpike company;

An act to amend the act, entitled an act for the appointment of county surveyors and their deputies, approved February 4, 1831;

An act for the relief of Thomas Speed;

An act for the relief of James Tiller;

An act to amend the laws now in force relative to the Wabash and Erie canal;

An act for the better regulation of towns;

An act to incorporate the Harrison and Indianapolis turnpike company;

An act to locate a state road from the Ohio line, near Hillsborough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

An act to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831;

A joint memorial on the subject of a road from Harrison to Louisville, Indiana;

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act to re-locate a part of the state road from Rockport to Boonville;

An act to amend an act, entitled an act regulating weights and measures, approved Jan. 21, 1818;

An act for the relief of Richard Palmer;

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

An act for the relief of James M'Farland;

An act to provide for summoning grand and petit jurors, for the next March term of the Parke circuit court, and

A joint resolution of the General Assembly of the state of Indiana relative to the removal of the pension office;

In which bills, memorials and joint resolutions of the House, and the amendment made to the said memorial of the Senate, the concurrence of the Senate is requested.

The amendment proposed by the House, to the engrossed memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers, was read.

Mr. Givens moved to amend said proposed amendment of the House, by striking therefrom these words:

"And last though not least, the propriety of constructing a rail road from Lafayette, on the Wabash river, to the town of Des Chemins, on the margin of Lake Michigan. The distance between those points is ninety miles, through a level prairie country, uninterrupted by impassable water courses; moreover, it is believed by your memorialists, that if a survey was made of said road, before the lands through it must pass, were brought into market, it would greatly enhance their value, and develope the resources of a large tract of country, hitherto but partially known to the people of the United States."

Which motion was decided in the affirmative.

And on the question of concurrence in said proposed amendment, of the House, as amended, which reads as follows, to wit:

"Your memorialists, whilst dilating on the acknowledged advantages of improving the navigation of the Wabash and White rivers, beg leave further to represent the importance of improving the navigation of the St. Joseph of Lake Michigan, a beautiful river, which runs through a part of the territory of Michigan and Indiana;

The ayes and naes were demanded by two Senators,

Those who voted in the affirmative, are

Messrs. Fletcher, Givens, Graham, Hanna, Herod, Hillis, Hoo-

rer, Lemon, Leviston, Logan, Long, M'Carty, Orr, Pollock, Wallace and Whitcomb—16.

And those who voted in the negative, are

Messrs. Beard, Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Frisbie, Hendricks, Jessup, Morgan, Pennington and Robb
---13.

So said amendment was concurred in.

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

The engrossed bills from the House of Representatives, entitled an act appointing a commissioner on roads No. 10 and 26, and authorizing the expenditure, by him, of the balance due said roads, and

An act to establish a state road from Salem, in Washington county, to Leesville, in Lawrence county,

Were severally read twice, and

On motion of Mr. Logan, referred to a select committee.

Ordered, That Messrs. Logan, Lemon, Graham and Chambers be said committee.

The engrossed bill from the House of Representatives, entitled an act to amend a act, entitled an act for the relief of John Boner, of Jennings county, approved Jan. 26, 1832,

Was read twice, and

On motion of Mr. Hillis, referred to the committee on roads.

Mr. Graham presented sundry certificates, affidavits, &c. marked papers of John Boner;

Which were, on his motion, ordered to accompany the last named bill.

Mr. Hillis presented a letter from H. S. Saper, and a certificate of Wm. Clark and John M. Brown on the subject of John Boner's claims;

Which were referred to the same committee.

The engrossed memorial and joint resolution from the House of Representatives, on military affairs,

Was read twice by common consent, and

On motion of Mr. Lemon, referred to the committee on military affairs.

The engrossed bill from the House of Representatives, entitled an act to incorporate the Ohio and Charlestown turnpike company,

Was twice read, and

On motion of Mr. Lemon, referred to a select committee.

Ordered, That Messrs. Lemon, Logan and Hillis be said committee.

The engrossed bill from the House of Representatives, entitled an act to amend an act, entitled an act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831;

Was twice read, and

On motion of Mr. Clark, referred to the committee on the judiciary.

The engrossed bill from the House of Representatives, for the relief of Thomas Speed,

Was twice read, and

On motion of Mr. Morgan, referred to the judiciary committee.

The engrossed bill from the House of Representatives, entitled an act to amend the law now in force, relative to the Wabash and Erie canal,

Was twice read, and

On motion of Mr. Ewing, referred to the same committee of the whole, to which was referred a bill of the Senate on the same subject.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the message of the House of Representatives, delivered in the forenoon.

The engrossed bill from the House of Representatives, entitled an act to incorporate the Harrison and Indianapolis turnpike company,

Was read twice, and

On motion of Mr. Morgan, the 35th section thereof was so amended, as to strike out 75 years, and insert, in lieu thereof, 50 years, the limitation of the charter.

Mr. Dumont moved to commit said bill to a committee of the whole Senate, and make it the order of the day for Monday next.

Mr. Ewing moved to amend the motion of Mr. Dumont, by committing said bill to a select committee, with instructions to insert a clause, reserving to the General Assembly, the right to amend said charter after years.

Mr. Dumont moved to amend said instructions by giving the committee power to amend in whatever is necessary or proper.

Which motion was determined in the negative.

The question recurring, on the motion of Mr. Ewing, to commit to a select committee, with instructions;

It was determined in the negative.

And on the question of committing to a committee of the whole, made by Mr. Dumont;

It was decided in the affirmative.

The engrossed bill from the House of Representatives, entitled an act for the relief of James M'Farland,

Was twice read by common consent, and

On motion of Mr. Jessup, referred to a select committee.

Ordered, That Messrs. Jessup, Long and Fletcher, be the committee.

The residue of the engrossed bills and joint resolutions, named in said message, were severally read the first time, and ordered to a second reading on Monday next.

Mr. Givens, from the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the laws relative to the election of Representatives to Congress, that in the event the President should call a convention of Congress, before the first Monday of August next, so as to authorize the Governor to issue his writ of election, have had the subject under consideration, and have directed me to report by bill, entitled a bill supplemental to an act, entitled an act for the formation of Congressional districts, and for the election of Senators and Representatives in Congress, approved Jan. 7, 1831;

Which was read the first time and ordered to a second reading on Monday next.

Mr. Fletcher, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expe-

diency of providing by law, that no deed of conveyance or mortgage, shall be valid as against a subsequent purchaser or mortgage without notice, unless the same be registered before the registry of the subsequent deed or mortgage, have had the same under their consideration, and a majority of the committee have directed me to report, that they deem legislation on the subject, inexpedient at this time, and ask to be discharged from a further consideration of the resolution;

Which was read, the committee discharged, and

On motion of Mr. Whitcomb, laid on the table.

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred so much of the Governor's message as relates to education, have, according to order, had the same under consideration, and have directed me to report a bill, entitled a bill for the encouragement of education;

Which was read the first and second time, and

On motion of Mr. Whitcomb, referred to the committee of the whole Senate, and made the order of the day for Monday next.

Mr. Beard, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was recommitted a bill of the Senate to establish a state road from Rockville, in Parke county, via Jacksonville, Hillsborough and Newtown, in Fountain county, to Lafayette, in Tippecanoe county, have had the same under their consideration, and have agreed to amend the same, so as to make it correspond with the views of the petitioners;

Which amendments were read.

Mr. Clark moved to amend the first amendment proposed by the committee, by adding, after the words 'Lafayette, in Tippecanoe county,' these words, 'by the way of Holloway's mills;

Which was concurred in by the Senate.

Mr. Wallace moved to lay said bill on the table.

Which was decided in the negative.

On motion of Mr. Clark, said bill, with its proposed amendments, were referred to a select committee.

Ordered, That Messrs. Clark, Wallace, Feeny, Beard and Blair be the committee.

And on motion,

The Senate adjourned.

MONDAY, JANUARY 14, 1833.

The Senate assembled.

The President laid before the Senate, the following communication from Governor Harrison:

INDIANAPOLIS, 13th JANUARY, 1833.

Sir:—I have the honor to acknowledge the receipt of your note of last evening, covering certain resolutions of the Senate of Indiana, in relation to my administration of the territorial government of this country.

Will you be pleased, sir, to assure that highly dignified body, that I receive, with the most profound sense of gratitude, the distinguished honor which the adoption of these resolutions has conferred upon me. If I contributed, by my exertions, to lay the foundation of that wonderful prosperity, which is every where visible in this state, that prosperity affords ample evidence that the people have been judicious and fortunate in the selection of agents to whom the management of their affairs has since been committed. May that prosperity still continue, and may Indiana ever be conspicuous as she now is, for the wisdom, the firmness and the patriotic moderation of her councils.

In presenting these sentiments to the body over whose deliberations, the confidence of your fellow citizens has appointed you to preside, I beg you, my dear sir, to accept for yourself, the tender of my great regard and esteem.

W. H. HARRISON.

The Hon. David Wallace, Lieut. Governor of Indiana, and President of the Senate.

Mr. Fletcher laid before the Senate, a petition from Thomas

Pogue, praying certain relief therein named; which was read; and

On motion of the same gentleman, referred to the committee on the affairs of the town of Indianapolis.

Mr. Fletcher, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which were referred two bills to amend an act, entitled, an act regulating the practice in suits at law, approved January, 29, 1831, have had the same under their consideration, and have directed me to report that they have made one amendment, to the bill first reported to the Senate, by inserting the provisions of the one last reported, and recommend the indefinite postponement of the last mentioned bill;

Which was read and concurred in.

On motion of Mr. Whitcomb, said bill was laid on the table, and

On motion of Mr. Fletcher, the bill last named, was indefinitely postponed.

Mr. Whitcomb from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law, that land office certificates shall be evidence of legal title, before the issuing of patents thereon, in the different counties of this state, have, according to order, had the same under consideration, and have directed me to report a bill herewith, entitled a bill providing that land office certificates shall be evidence of legal title;

Which was read twice by consent, and

On motion of Mr. Fletcher, laid on the table:

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law, a method to ascertain the amount of school funds to be reserved for the use of any district that may be unable to build a sufficient school house, or support a school,

have, according to order, had the same under consideration, and a majority of them have directed me to report, that any legislation on that subject, is inexpedient, they therefore ask to be discharged from the consideration of the same.

Which report having been read, was,

On motion of Mr. Morgan, laid on the table.

Mr. Whitcomb, from the same committee, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing an amendment to the act incorporating Congressional townships and providing for public schools therein, so as to enable the inhabitants of fractional townships, where no lands have been reserved for the use of schools, to participate with the inhabitants of the nearest adjoining township, have, according to order, had the same under consideration, and a majority have directed me to report, that as Congress has already provided by law, that the inhabitants of every such fractional township, shall have lands for school purposes, out of any unpurchased lands in the land district, in which the same is situate, they regard further action of this body, on that subject, as unnecessary, they therefore ask to be discharged from the further consideration of the same.

Which having been read, was laid on the table.

Mr. Pollock, from the select committee to which was referred the petition of Joel Deconrsey and others, citizens of Dearborn county, now reported, in pursuance of the prayer of said petitioners, a bill to repeal all acts and parts of acts, allowing the county commissioners of Dearborn county, to lay an additional tax on said county;

Which was read and ordered to a second reading to-morrow.

Mr. Frisbie from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the Senate, to re-locate a part of a state road from New Albany, by the way of Fredonia to Princeton, and also a petition and remonstrance on the same subject, have had the subject referred to them, under consideration, and instructed me to report the said bill back to the Senate without amendment;

Which, on motion of the same gentleman, was laid on the table.

Mr. Logan, from the select committee to which was referred an

engrossed bill of the House of Representatives, entitled an act to establish a state road from Salem, in Washington county, to Leesville, in Lawrence county, now reported the said bill to the Senate, without amendment, and asked to be discharged from the further consideration of the subject;

Which report was concurred in, and the committee discharged. Said bill was ordered to a third reading.

Mr. Logan, from the select committee to which was referred an engrossed bill of the House of Representatives, entitled an act appointing a commissioner on roads No. 10 and 26, and authorizing the expenditure by him, of the balance due said roads, now reported an amendment to said bill;

Which was concurred in.

On motion of Mr. Logan, said amendment was considered engrossed, and with the bill read a third time and passed.

On motion of the same gentleman, the title of said bill was amended by adding thereto "and for other purposes."

Ordered, That the House of Representatives be informed of its passage, and their concurrence requested in said amendment.

On motion of Mr. Fletcher, the following resolution was adopted, viz:

Resolved, That the Agent of State, for the town of Indianapolis, be requested to report to the Senate, whether he made it known, previously to the sale of lots, in May last, that the block immediately north of the state house square, was reserved from sale, with the view that the present Legislature, if they saw proper, might add the same to such square, by vacating the intermediate street.

On motion of Mr. Hoover, the following resolution was adopted, viz:

Whereas, doubts have arisen, in regard to the meaning and intention of the 5th section of an act to license and regulate taverns and groceries, approved Feb. 3, 1832, it having been construed to embrace only incorporated towns, therefore,

Resolved, That the judiciary committee be instructed to inquire whether any, and if any, what amendment or explanation may be necessary to said section.

Mr. Chambers, on leave granted, introduced a bill to establish a state road from Bloomington, in Monroe county, to Green Castle, in Putnam county;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Fletcher, a bill to amend the act relative to crime and punishment, approved Feb. 10, 1831, and

A bill to amend an act, entitled an act to regulate the mode of summoning and empannelling grand and petit jurors,

Were severally taken from the table and referred to the judiciary Committee.

The Senate proceeded to the consideration of the orders of the day.

An engrossed bill for the better regulation of towns,
Was read the second time.

Mr. Logan moved that said bill be committed to the whole Senate;

Which motion did not prevail.

Mr. Beard moved that the same be referred to the judiciary Committee.

Which was decided in the negative.

Mr. Fletcher moved that the same be postponed indefinitely;
And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Farrington, Fletcher, Givens, Graham, Hendricks, Herod, Hoover, Lemon, Logan, Long, M'Carty, Morgan, Robb, Wallace and Whitcomb—17.

Those who voted in the negative, are

Messrs. Beard, Clark, Dumont, Ewing, Feeny, Frisbie, Hanna, Hillis, Jessup, Leviston, Orr, Pennington and Pollock—13.

So said bill was postponed indefinitely.

An engrossed joint resolution of the General Assembly, relative to the removal of the pension office,
Was read the second time.

Mr. Pennington moved that said resolution be postponed indefinitely;

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Farrington, Feeny, Frisbie, Givens, Graham, Lemon, Logan, Pennington, Robb, Wallace and Whitcomb—14.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Fletcher, Hanna, Hendricks, Her-

od, Hillis, Hoover, Jessup, Leviston, Long, McCarty, Morgan, Orr and Pollock—16.

So said resolution was not postponed.

Mr. Graham moved that said resolution be referred to the committee of the whole.

Which motion did not prevail.

On motion of Mr. Pennington, the same was laid on the table.

The following bills of the House of Representatives, to wit:

To repeal an act entitled an act to raise an additional revenue for the county of Ripley, approved Jan. 24, 1831;

To locate a state road from the Ohio line, near Hillsborough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

To re-locate a part of the state road from Rockport to Boonville;

To provide for the location of a state road from Rockville to Rob Roy;

Supplemental to an act, entitled an act to incorporate the Green county seminary;

And the following bills of the Senate, to wit:

To repeal an act, entitled an act to vacate the town of Owensville, approved Jan. 3, 1829;

To define and establish the boundaries of the counties of Wabash and Miami,

Were severally read a second time and ordered to a third reading.

An engrossed joint memorial on the subject of a road from Harrison to Lanesville, Indiana,

Was read a second time, and

On motion of Mr. Morgan, referred to a committee of the whole Senate.

An engrossed bill of the House of Representatives, to amend the act, entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1832, was read the second time, and

On motion of Mr. Whitcomb, referred to the same committee of the whole, to which a similar bill has been referred.

An engrossed joint resolution of the House of Representatives, relative to the public printing, was read the second time, and

On motion of Mr. Fletcher, laid on the table.

A bill to amend an act for the formation of Congressional districts, and for the election of Senators and Representatives in Congress, approved Jan. 7, 1831, was read a second time, and

On motion of Mr. Whitcomb, referred to a committee of the whole Senate.

The following bills from the House, viz:

An act to amend an act, entitled an act regulating weights and measures, approved Jan. 21, 1818;

An act for the relief of Richard Palmer, and

An act to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831, were severally read a second time and referred to a committee of the whole Senate.

The following bills of the House, entitled acts, viz:

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

An act for the relief of James Tiller, were severally read a second time and ordered to a third reading.

An engrossed bill of the House to provide for summoning grand and petit jurors, for the next March term of the Parke circuit court, was read the second time, and

On motion of Mr. Feeny, laid on the table.

An engrossed joint memorial, on the subject of a treaty with the Miami Indians, was read the third time.

Mr. Graham moved to recommit said memorial with instructions to strike out from the same, the following words, viz.

"It is not in the power of this body, to set forth grounds of failure in the late attempted treaty with the Miami nation, but would assure your honorable body, that from a recent expression of the chiefs of said nation, it is not to be doubted that a treaty could now be made without difficulty, and on advantageous terms."

Which motion was decided in the negative.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

And resumed the consideration of a joint memorial on the subject of a treaty with the Miami Indians.

Mr. Farrington moved to recommit said memorial, with instructions, to a select committee, to add thereto, the following:

"And your memorialists would respectfully recommend as the most advisable mode of negotiating a treaty with said tribe, a deputation from the same, be invited to visit the city of Washington, for that purpose."

Which motion prevailed.

Ordered, That Messrs. Farrington, Graham and Hillis, compose said select committee.

The following message, from the House of Representatives was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, to wit:

An act to establish a state road from the Ohio line, to Dalton, near the western boundary of Wayne county;

An act to establish the county line between the counties of Madison, Hancock and Henry;

An act for the relief of Vincent Dufour, heir of John James Dufour, decd.;

An act more permanently to establish the boundary line between Vermillion and Warren counties;

I am directed to bring them to the Senate for the signature of their President.

The House concur in the amendment proposed by the Senate to the amendment of the House, to the engrossed memorial and joint resolution of the General Assembly of the state of Indiana, from the Senate, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers.

The following bills,

To locate a state road from Delphi to Munceytown, and

A bill supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832, were severally read a third time and passed.

Mr. Leviston, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act to authorize the expenditure of the three per cent. fund, heretofore appropriated for the counties of Huntington and Wabash;

A joint resolution of the General Assembly of Indiana, to urge the speedy survey and sale of lands recently obtained by treaty concluded with the Pottawatamie Indians, and the establishment of a land district and office to dispose of said lands, north of the Wabash river;

An act to locate a state road from Stilesville, by the way of New Maysville to Crawfordsville;

A joint resolution of the General Assembly, relative to the public lands.

An act for the relief of William Richards, road commissioner, and for other purposes;

An act appropriating \$387 86½ for the payment of the subscribers to the building of the state prison.

On motion of Mr. Hillis, the Senate went into a committee of the whole, for the purpose of considering a bill to establish a state bank, when, after some time occupied in the consideration of the same, the committee rose, and Mr. Jessup, their chairman, reported progress and asked leave to sit again;

Which was granted.

And on motion,

The Senate adjourned.

TUESDAY, JANUARY 15, 1833.

The Senate assembled.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills and joint resolutions, I am directed to bring them to the Senate for the signature of their President, viz:

An act appropriating \$387 86½ for the payment of the subscribers to the building of the state prison;

An act authorizing the expenditure of the 3 per cent. fund heretofore appropriated for the counties of Huntington and Wabash;

A joint resolution of the General Assembly, relative to the public lands;

An act for the relief of William Richards, road commissioner and for other purposes;

An act to locate a state road from Stilesville, by the way of New Maysville, to Crawfordsville, and

A joint resolution of the General Assembly of the state of Indiana, to urge the speedy survey and sale of lands recently obtained by treaty, concluded with the Pottawatamie Indians, and the establishment of a new land district and office, to dispose of said lands north of the Wabash river.

The House have passed without amendment, engrossed bills, originating in the Senate, as follows:

An act to change a part of the state road from Levenworth's mill, to Orleans, in Orange county, and

An act to locate a state road from Montezuma, to intersect the state road from Danville to Montezuma.

They have also passed engrossed bills of the House, of the following titles, to wit:

An act to establish certain state roads therein named;

An act supplemental to an act, entitled an act to locate a state road from Merom, in Sullivan county, to a point on the Terre Haute and Bono state road, approved Jan. 20, 1832;

An act for the location of a state road from Chambersburgh, in Fountain county, to Williamsport, in Warren county;

An act to provide for building school houses in Congressional township No. 17, north of range No. 9, west, in the county of Vermillion;

An act to vacate part of a certain state road therein named, and

An act to provide for the establishment of a state road from Covington to Russellville.

In which bills of the House, I am instructed to ask the concurrence of the Senate.

Said bills of the House were severally read and passed to a second reading to-morrow, with the exception of the bill last named, which was read a second time by consent, and

On motion of Mr. Wallace, referred to a select committee.

Ordered, That Messrs. Wallace, Orr and Beard, compose said committee.

Mr. Wallace presented the petition of Chauncey Scott and others, praying the establishment of a state bank;

Which was read, and

On motion of the same gentleman, referred to the same committee of the whole, to which the bank bills have been referred.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary to which were referred two bills, amendatory of the act, entitled an act relative to crime and punishment, approved Feb. 10, 1831, and a bill to amend an act entitled an act to regulate the mode of summoning and empanneling grand and petit jurors, approved Jan. 29, 1831, have had the same under consideration, and have amended the bill first reported to the Senate, relative to crime and punishment, by striking the same out from the enacting clause, and inserting the provisions of the two other bills above named, which the committee recommend to be indefinitely postponed.

Which report was read and concurred in.

On motion of Mr. Fletcher, said amendments were referred to a committee of the whole Senate, and the original bills from which said amendments were extracted, indefinitely postponed.

Mr. Blair, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred the petition of John Sawyer, Robert Elliott and others, praying for the location of a state road, have had the subject under consideration, and have instructed me to report a bill, entitled a bill to provide for the location of a state road from Newport, in Vermillion county, by way of Springfield, Eugene and Perrysville, to the northern boundary of said county;

Which was read and passed to a second reading to-morrow.

Mr. Dumont, from the committee on the state library, to which had been referred a resolution authorizing an inquiry into the propriety of purchasing, for the state library, a complete set of Niles' Register, and to subscribe on behalf of the state for the future numbers of said work, now reported a joint resolution of the General Assembly, authorizing the Secretary of State, to purchase a complete set of Niles' Register, and to subscribe for a continuance of said Register, for the use of the state library;

Which was read and ordered to a second reading to-morrow.

Mr. Clark, from the select committee, to which was referred a bill to establish a state road from Rockville, in Parke county, via Jacksonville, Hillsborough and Newtown, in Fountain county, to Lafayette, in Tippecanoe county, now reported sundry amendments to said bill;

Which were read and concurred in.

Said bill was ordered to be engrossed for a third reading.

Mr. Farrington, from the select committee, to which had been referred a joint memorial of the General Assembly, on the subject of a treaty with the Miami nation, now reported an amendment to said memorial, in conformity to the instructions of the Senate;

And on the question of concurring in said report,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Farrington, Feeny, Frisbie, Graham, Hendricks, Leviston, Morgan, Orr and Pennington,—13.

And those who voted in the negative, are

Messrs. Clark, Ewing, Fletcher, Givens, Hanna, Herod, Hillis, Hoover, Jessup, Lemon, Logan, Long, M'Carty, Pollock, Robb, Wallace and Whitcomb—17.

So said report was not concurred in.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

And resumed the consideration of the joint memorial under consideration this morning,

And on the question, shall the said memorial pass?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Feeny, Fletcher, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Lemon, Long, M'Carty, Orr, Pollock, Wallace and Whitcomb—20.

And those who voted in the negative, are

Messrs. Dumont, Farrington, Frisbie, Graham, Jessup, Leviston, Morgan, Pennington, and Robb—9.

So said memorial passed.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the engrossed bill of the House, appointing a commissioner on roads No. 10 and 26, and to authorize the expenditure by him, of the balance due said roads.

The President laid before the Senate, the following communication from the Agent of State for the town of Indianapolis, viz:

AGENT'S OFFICE, JANUARY 15, 1833.

The Agent of State for the town of Indianapolis, in answer to a resolution of the Senate of yesterday, would respectfully state, that at the time of the last sale of lots in Indianapolis, he was confined to his room by ill health, and had to avail himself of the services of the Treasurer of State, to act in his stead, whose statement is enclosed, which will, it is hoped, be deemed satisfactory as to the point of inquiry, embraced in the resolution.

Respectfully submitted,

E. SHARPE, Agent.

E. SHARPE, AGENT, &c.

As you were unable, from the state of your health, to attend at the last sale of lots, and as I assisted in performing a part of your duty, on that occasion, I can state, it was well known at that sale, that the square north of the state house square, was reserved from sale, that the Legislature might, if they saw proper, attach the two squares together, and vacate the intermediate street. The reservation of the square, for the above purpose, was so often spoken of during the sale, that I am confident no person present, could have been ignorant of it.

SAMUEL MERRILL.

January 14th, 1833.

Which having been read,

On motion of Mr. Fletcher, was referred to the committee on public buildings.

On motion of Mr. Whitcomb, the following resolution was adopted, viz:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of attaching Greene county, to the fifteenth brigade, for militia purposes.

Mr. Beard, from the joint committee on enrolled bills, now reports that they have, on this day, presented to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to more permanently establish the boundary line between the counties of Vermillion and Warren;

An act to establish the county line between the counties of Madison, Hancock and Henry;

An act to establish a state road from the Ohio line to Dalton, near the west boundary of Wayne county,

An act for the relief of Vincent Dufour, heir of John James Dufour, decd.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts and joint resolutions, to wit:

An act appropriating \$387 87½ for the payment of the subscribers to the building of the state prison;

An act authorising the expenditure of the three per cent. fund heretofore appropriated for the counties of Huntington and Wabash;

A joint resolution of the General Assembly relative to the public lands;

An act for the relief of William Richards, road commissioner, and for other purposes;

An act to locate a state road from Stilesville, by the way of New Maysville, to Crawfordsville;

A joint resolution of the General Assembly of the state of Indiana, to urge the speedy survey and sale of lands recently obtained by treaty, with the Pottawatamie Indians, and the establishment of a new land district and office, to dispose of said land, north of the Wabash river.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed memorial and joint resolution, entitled,

A memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers,

And have found the same truly enrolled.

On motion of Mr. Dument, the following resolution was adopted, viz:

Resolved, That the committee on education be instructed to inquire whether any amendment be necessary in the law to make it obligatory on the trustees of county seminary and college funds, or those in whose hands said funds may be placed by any special act to loan out such funds at the highest rate of legal interest that can be obtained for the same on good security.

Mr. Dumont submitted for consideration, the following resolution, viz:

Resolved, That the committee on the judiciary be required to inquire into the expediency of making it the duty of each supreme and circuit judge of this state, once a year, to report to the Governor, what discrepancies they have discovered in our statute laws, and what amendments would be advisable to recommend to the General Assembly; and that the Governor be authorized in his discretion, to recommend to the General Assembly, the whole or any part of such suggested amendments.

On motion of Mr. Hillis, said resolution was laid on the table.

On motion of Mr. Pennington, a bill to re-locate a certain state road therein named, was taken from the table, and recommitted to the committee on roads.

On motion of Mr. Farrington, the following resolution was adopted, viz:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the act, entitled an act incorporating congressional townships, and for providing for public schools therein, approved Feb. 10, 1831, so as to extend the provisions of said act, to the inhabitants of any township, who have had granted them a section of land, for school purposes, not situated in the township in which they reside, with leave to report by bill or otherwise.

On motion of Mr. Hillis, the bill for the inspection of certain articles therein enumerated, was taken from the table, but before action on the same,

The Senate adjourned.

WEDNESDAY, JANUARY 16, 1833.

The Senate assembled.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an

enrolled memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers,

I am directed to bring it to the Senate for the signature of their President.

Which having been signed by the President, was delivered to the committee on enrolled bills, to be presented to the Governor:

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of drafting and reporting a bill for the sale and conveyance of the lands contemplated by an act of Congress, entitled an act to authorize the Legislature of the state of Indiana, to sell and convey certain lands granted to said state, for the use of the people thereof, approved July 3, 1832, have, according to order, had the same under consideration, and have directed me to report herewith, a bill, entitled a bill to provide for the sale of the salt lick reservations in this state;

Which was twice read, and

On motion of Mr. Logan, referred to a committee of the whole Senate.

Mr. McCarty, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution, instructing the committee to inquire into the propriety of amending the act incorporating congressional townships and providing for public schools therein, so that the board doing county business in the respective counties of this state, be authorized, on application of five qualified voters of such township, to give notice at any time, that the citizens of any congressional township, wishing to change their vote in any case wherein they may have voted against a sale of the school section therein, may and shall meet and vote on that subject, for or against a sale, and that said committee inquire into the expediency of extending the time of leases for longer terms than eight years, in such cases where leases will not be taken for the term allowed by the present act, with certain instructions, have, according to order, had the same under consideration, and a majority of the committee have directed me

to report a bill as contemplated by and pursuant to the instructions, &c. viz:

A bill to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 10, 1831;
Which was read, and

On motion of Mr. Hillis, récommitted to the committee on education.

Mr. Morgan, from the military committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred an engrossed memorial and joint resolution on military affairs, which originated in the House of Representatives, also resolutions of the Legislature of Illinois, on the subject of a more perfect organization of the militia of the several states of the Union, have, according to order, had the same under consideration, and have directed me to report, that this General Assembly did, at their last session, pass joint resolutions on the same subject, the committee therefore deem further legislation on that subject, at this time, inexpedient; your committee recommend that the memorial and joint resolution be laid on the table, and ask to be discharged from the further consideration of the subject;

Which report was read and concurred in.

Mr. Fletcher, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred an engrossed bill to amend the act, entitled an act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831, have had the same under their consideration, and have directed me to report that they have amended such engrossed bill, by adding six sections thereto;

Which were read, and

On motion of Mr. Morgan, referred to a committee of the whole Senate.

Mr. Wallace, from the select committee, to which had been referred a bill to provide for establishing a state road from Covington to Russellville, now reported the bill back to the Senate, with sundry amendments;

Which were read and concurred in.

Ordered, That said amendments be engrossed for a third reading.

Mr. Clark submitted for consideration, the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of providing by law, that the people in their several townships, shall meet the Collector of state and county revenue, at the place of holding elections, for the purpose of paying their taxes, at such periods as may be deemed most expedient.

And on the question, shall said resolution be adopted?

It was decided in the negative.

On motion of Mr. Robb, Mr. Frisbie is added to the committee on roads.

On motion of Mr. Herod, the following resolution was adopted, viz:

Resolved, That the committee on the state library be instructed to inquire into the expediency of providing by law, for binding the acts of Congress, which are in pamphlet form, in the office of the Secretary of State, for the purpose of having the same distributed to the several counties in this state, to be deposited in the several Clerk's offices therein, and that they have leave to report by joint resolution or otherwise.

On motion of Mr. Lemon, a bill to amend an act, entitled an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1832, was taken from the table, and referred to a select committee.

Ordered, That said select committee consist of Messrs. Lemon, Logan and Whitcomb.

On motion of Mr. Fletcher, a bill to amend an act, entitled an act regulating the practice in suits at law, and a bill providing that land office certificates shall be evidence of legal title, were taken from the table, and

On motion of Mr. Morgan, re-committed to the judiciary committee, with instructions to insert the provisions of the latter bill in the former.

The Senate proceeded to the consideration of the orders of the day, and resumed the consideration of a bill for the inspection of certain articles therein enumerated.

On motion of Mr. Feeny, said bill was amended by inserting, in the 5th line of the 4th section, after the word 'purpose,' 'by the owner of the articles above specified or his agent.'

On motion of Mr. Hanna, said bill was amended, by adding thereto, the following proviso:

Provided that no person or persons shall be compelled to have

any produce put up or inspected, that is for exportation, under the provisions of this act.

On motion of Mr. Whitcomb, the 4th section of said bill was amended by striking out the words, 'on application made to him or them,' and inserting 'if applied to,' and thus amended, said bill was ordered to be engrossed for a third reading.

A bill to establish a state road from Bloomington, in Monroe county, to Green Castle, in Putnam county, was read the second time, amended, on motion of Mr. Orr, by striking out 'to Green Castle, in Putnam county,' and ordered to a third reading.

The following bills, viz:

A bill to repeal all acts and parts of acts, allowing the county commissioners of Dearborn county to lay an additional tax on said county;

To provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

For the location of a state road from Chambersburgh, in Fountain county, to Williamsport, in Warren county, and

A bill supplemental to an act entitled, an act to locate a state road from Merom, in Sullivan county, to a point on the Terre Haute and Bono state road,

Were severally read a second time and ordered to a third reading.

An engrossed bill from the House of Representatives to establish certain state roads therein named,

Was read a second time, and

On motion of Mr. Pennington, referred to a select committee.

Ordered, That Messrs. Pennington, Frisbie, Robb, Lemon and Chambers, compose said committee.

A joint resolution authorizing the purchase of a complete set of Niles' Register, and a subscription for the future numbers of the Register,

Was read a second time and ordered to a third reading.

An engrossed bill of the House of Representatives, to vacate part of a state road therein named,

Was read the second time, and

On motion of Mr. Robb, referred to the committee on roads.

An engrossed bill of the House of Representatives to provide for building school houses in congressional township No. 17, north of range No. 9, west, in the county of Vermillion,

Was read the second time, and

On motion of Mr. Whitcomb, referred to the committee on education.

The following bills were read a third time and passed, viz:

A bill to establish a state road from Rockville, in Parke county, by the way of the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county, and

To locate a state road from the Ohio line, near Hillsborough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

Ordered, That the House be informed of their passage.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following bills, viz:

To re-locate a part of the state road from Rockport to Boonville;

To define and establish the boundaries of the counties of Wabash and Miami,

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

To repeal an act entitled an act to raise an additional revenue for the county of Ripley, approved Jan. 24, 1831;

To repeal an act, entitled an act to vacate the town of Owensville, approved Jan. 3, 1829;

To establish a state road from Salem, in Washington county, to Leesville, in Lawrence county;

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act for the relief of James Tiller;

Supplemental to an act, entitled an act to incorporate the Green county seminary,

Were severally read a third time and passed.

An engrossed bill of the House of Representatives, to provide for the location of a state road from Rockville to Rob Roy,

Was read a third time, and

On motion of Mr. Clark, laid on the table.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills &c. I am directed to bring them to the Senate for the signature of their President, viz:

An act to locate a state road from Montezuma, to intersect the state road leading from Danville to Montezuma.

An act to change a part of the state road from Levenworth's mill, to Orleans, in Orange county;

An act appointing a commissioner on roads No. 10 and No. 26, and to authorize the expenditure by him of the balance due said roads, and for other purposes, and

A joint memorial on the subject of a treaty with the Miami nation.

Which having been signed by the President, were handed to the committee on enrolled bills, for presentation to the Governor.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

I am instructed to inform the Senate, that the Governor has approved and signed joint resolutions, which originated in the Senate, of the following titles, viz:

A joint resolution of the General Assembly, relative to the public lands, and

A joint resolution of the General Assembly of Indiana, to urge the speedy survey and sale of lands recently obtained by treaty concluded with the Pottawatamie Indians, and the establishment of a land district and office to dispose of said lands, north of the Wabash river.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to locate a state road from Montezuma, to intersect the state road leading from Danville to Montezuma;

An act to change a part of the state road from Levenworth's mill, to Orleans, in Orange county;

An act appointing a commissioner on roads No 10 and 26, and authorizing the expenditure by him, of the balance due said roads.

A joint memorial on the subject of a treaty with the Miami nation,

And find the same truly enrolled.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have presented to his Excellency the Governor, for his approval and signature, the following memorial and joint resolution, to wit:

A memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers.

On motion of Mr. Robb, the Senate went into a committee of the whole, for the purpose of resuming the consideration of a bill to establish a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Jessup, their chairman, reported progress and asked leave to sit again;

Which was granted.

And on motion,

The Senate adjourned.

THURSDAY, JANUARY 17, 1833.

The Senate assembled.

Mr. Dumont presented the petition of Perrot Dufour and others, citizens of Switzerland county, praying an extra session of the Switzerland circuit court;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Dumont, Hillis and Pennington, compose said committee.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to report a bill providing for the institution of a suit or suits, on the common law or chancery side of the Dearborn circuit court, to recover, in the name of the state of Indiana, the north east, north west and the south west quarters of section 25, township 6, range 1, west of the meridian, and to make such other provisions as the nature of the case may require, have had the same under their consideration and have

directed me to report a bill in conformity with the resolution, herewith submitted, entitled a bill to authorize the Governor to commence suits in the Dearborn circuit court, for the recovery of the possession of certain lands belonging to the state;

Which was read and ordered to be engrossed for a third reading.

Mr. Fletcher, from the same committee, made the following report:

The committee on the judiciary, to which were referred a bill to amend an act, entitled an act regulating the practice in suits at law, approved Jan. 29, 1831, and a bill providing that land office certificates shall be evidence of legal title, with instructions to amend the first named bill, by inserting the provisions of the latter, have had the same under their consideration, and have directed me to report, that in pursuance of the instructions of the Senate, they have amended the bill regulating the practice in suits at law, by striking out the provisions of the bill providing that land office certificates shall be evidence of legal title, and inserting the same in the first named bill;

Which was read and concurred in.

Ordered, That the original bill, from which said provision was extracted, be indefinitely postponed.

Mr. Hendricks, from the committee on roads, to which had been referred a bill for the relief of John Boner, road contractor, in Jennings county, now reported said bill to the Senate, without amendment.

Mr. Herod moved to amend said bill, by striking out two hundred, and insert in lieu, one hundred and fifty.

And before taking the question on said amendment,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

And resumed the consideration of the amendment proposed in the morning, by Mr. Herod, to the bill under consideration,

And on the question, shall the bill be amended in the manner proposed?

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Dumont, Ewing, Farrington, Feeny,

Fletcher, Herod, Hillis, Hoover, Lemon, Leviston, Long, McCarty, Orr, Pennington, Pollock, Wallace and Whitcomb—19.

And those who voted in the negative, are

Messrs. Blair, Frisbie, Givens, Graham, Jessup, Logan, Morgan and Robb—8.

So said bill was amended.

Mr. Graham then moved that the further consideration of said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Frisbie, Givens, Graham, Jessup, Leviston, Logan, Morgan and Pennington,—9.

And those who voted in the negative, are

Messrs. Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Hanna, Hendricks, Herod, Hillis, Hoover, Lemon, Long, McCarty, Orr, Pollock, Robb, Wallace and Whitcomb—20.

So said bill was not indefinitely postponed.

On motion of Mr. Whitcomb, said bill was further amended, by striking out, in the 6th line of the first section, the word 'being,' and insert in lieu, 'in full of.'

Mr. Graham moved further to amend said bill by annexing to said first section, the following proviso:

Provided that said Boner shall be at liberty to accept of the one hundred and fifty dollars, by this act allowed, or bring his suit in the same manner as though this act had not passed.

And on the question of adopting this amendment,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Farrington, Feeny, Frisbie, Givens, Graham, Hanna, Hendricks, Jessup, Lemon, Leviston, Logan, McCarty, Morgan and Robb—17.

And those who voted in the negative, are

Messrs. Chambers, Dumont, Ewing, Fletcher, Herod, Hillis, Hoover, Long, Orr, Pennington, Pollock, Wallace and Whitcomb—13.

So said amendment was adopted.

Ordered, That said amendments be engrossed, and with the bill, be read a third time to-morrow.

Mr. Orr, from the committee on roads, to which had been referred the petition of Charles Harrah and others, now reported a bill to locate a state road from Green Castle, by the way of Putnamville, to Thomas Evan's farm;

Which was read and passed to a second reading to-morrow.

Mr. Hendricks, from the same committee, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred a bill to relocate a part of the state road leading from New Albany, by way of Corydon and Fredonia, to Princeton, have had the subject under consideration, and have instructed me to report the bill back to the Senate, without amendment.

The question was taken on engrossed said bill for a third reading.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Ewing, Farrington, Feeny, Fletcher, Hanna, Herod, Hillis, Jessup, Leviston, Long, M'Carty, Morgan, Pennington, Pollock and Wallace—18.

Those who voted in the negative, are

Messrs. Blair, Clark, Frisbie, Givens, Graham, Hendricks, Hoover, Lemon, Logan, Orr, Robb and Whitcomb—12.

So said bill was ordered to a third reading.

The following message, from the House of Representatives was received, by Mr. White, their Clerk:

MR. PRESIDENT:

This House of Representatives have passed an engrossed bill entitled, an act to legalize the election of certain probate judges, therein named, in which the concurrence of the Senate is requested.

Said bill was read twice by consent, amended, read a third time and passed.

Ordered, That the House be informed of its passage, and their concurrence requested in the amendments.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

MR. PRESIDENT:

I am instructed by the Governor to inform the Senate, that he has approved and signed bills of the following titles, which originated in the Senate, viz:

An act appropriating \$387 86½ for the payment of the subscribers to the building of the state prison;

An act authorizing the expenditure of the 3 per cent. fund heretofore appropriated for the counties of Huntington and Wabash;

An act for the relief of William Richards, road commissioner and for other purposes;

An act to establish a state road from the Ohio line, to Dalton, near the western boundary of Wayne county;

An act to establish the county line between the counties of Madison, Hancock and Henry;

An act for the relief of Vincent Dufour, heir of John James Dufour, decd. and

An act to locate a state road from Stilesville, by the way of New Maysville to Crawfordsville.

Mr. Dumont, from the select committee on the petition of P. Dufour, having obtained a suspension of the orders of the day, now introduced a bill to provide for a special session of the Switzerland circuit court;

Which was read three times and passed.

Ordered, That the House of Representatives be informed of the passage of said bill and their concurrence requested.

Mr. Lemon having obtained the same favor, from the select committee to which had been referred a bill to incorporate the Ohio and Charlestown turnpike company, now reported said bill to the Senate, with sundry amendments;

Which were read, and with the bill, ordered to lie on the table.

Mr. Beard, from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act to re-locate a part of the state road from Rockport to Boonville;

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

An act to locate a state road from the Ohio line, near Hillsbor-

ough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

An act to establish a state road from Salem, in Washington county, to Leesville, in Lawrence county;

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act for the relief of James Tiller;

An act to repeal an act, entitled an act to raise additional revenue for the county of Ripley, approved Jan. 24, 1831,

And find the same truly enrolled.

Mr. Ewing, from the committee on canals and internal improvements, made the following report:

The committee on canals and internal improvements, to whom was referred the communication of the Governor of Illinois, proposing to unite the energies of that state, in conjunction with our own, in providing means to improve the navigation of that portion of the Wabash river, under our joint jurisdiction, have deliberated upon the important undertaking, with anxious care, and after considering the subject matter in every aspect—the expense—the vital interests essentially involved—the strong inducements to immediate exertion—the certain advantages resulting to the agriculture and commerce of an immense and fertile country—the utter insufficiency of the local funds already appropriated to the object in view, which immediately concerns so large a portion of our citizens—the absolute necessity we are under, to accomplish this great object, before we can realize the anticipated usefulness of the Wabash and Erie canal—the evident tendency of the joint improvement to reward industry, diffuse wealth and inspire enterprise in this state; and the enlightened foresight and patriotic liberality of a sister state, comparatively interested in a less degree, now report the annexed bill. As the trade of the Ohio and Wabash rivers, will soon have an opening to Lake Erie, the latter is evidently destined to waft on its bosom, the products of many states; and as the counties near those rivers, are supposed to be more benefitted than counties more remote, (inasmuch as profits are increased by reducing the cost of carriage on the products of labor,) a sum is hereby exacted of the counties bordering upon the Wabash, almost equal to that required of the state at large. Overlooking all state obligations, and state profit to accrue. Illinois has called upon us for immediate action, and your committee, duly estimating the entire interests and future prosperity of Indiana, will not allow themselves to doubt your hearty approval of said bill, entitled a bill to provide for the improvement of that part of the Wabash river, over which the state of Illinois has concurrent jurisdiction;

Which was read and passed to a second reading to-morrow.

Mr. Pollock, from the Indianapolis committee, made the following report:

The standing committee on the affairs of the town of Indianapolis, to which was referred a resolution of the Senate, to inquire into the expediency of authorizing the Agent of State, to convey to Arthur St. Clair and James Blake, a certain portion of several vacated streets in the town of Indianapolis, have had the same under their consideration, and have directed me to report a bill, herewith submitted, entitled a bill to authorize the Agent of State to sell and convey certain lands;

Which was read twice, and

On motion of Mr. Graham, referred to a committee of the whole Senate.

Mr. Leviston, from the joint committee on enrolled bills, reported that they did, on yesterday, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to change a part of the state road from Levenworth's mill, to Orleans, in Orange county;

A joint memorial on the subject of a treaty with the Miami nation;

An act appointing a commissioner on roads No: 10 and 26, and to authorize the expenditure by him of the balance due said roads and for other purposes;

An act to locate a state road from Montezuma, to intersect the state road leading from Danville to Montezuma.

And on motion,

The Senate adjourned.

FRIDAY, JANUARY 18, 1835.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having sign-

ed the following enrolled bills, I am directed to bring them to the Senate for the signature of their President, to wit:

An act for the relief of James Tiller;

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act to re-locate a part of the state road from Rockport to Boonville;

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

An act to establish a state road from Salem, in Washington county, to Loesville, in Lawrence county;

An act to repeal an act entitled an act to raise additional revenue for the county of Ripley, approved Jan. 24, 1831, and

An act to locate a state road from the Ohio line, near Hillsborough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

The House have passed an engrossed joint resolution, from the Senate, authorizing the subscription for the second volume of Blackford's reports, with amendments.

They have also passed engrossed bills of the House, entitled as follows:

An act supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county;

An act to establish a state road from the Tobacco landing, in Harrison county, by the way of Laconia, to Corydon, in said county, and for other purposes;

An act to incorporate the Christain College at New Albany, in Floyd county, Indiana, and

An act to amend an act providing for the erection of a bridge across Rattle Snake creek, in Owen county;

In which bills of the House, and the amendments made to the said joint resolution of the Senate, the concurrence of the Senate is requested.

The Senate proceeded to consider the amendments of the House to the joint resolution authorizing the subscription for the second volume of Blackford's reports.

The first amendment proposed by the House, was concurred in.

Mr. Graham moved to amend the second amendment, by annexing thereto, the following:

Provided that where there is no county library organized, in any county, in that case, there shall be two copies deposited in the Clerk's office, of such county, one of which shall be delivered to the librarian on demand, whenever a library shall be organized in such county.

Which motion did not prevail.

Mr. Graham then moved to amend the second amendment, by striking out the following words:

"And one copy of the work so subscribed for, shall be deposited in each county library, within the state, at the expense of the reporter to be loaned by such library, free of cost."

Which motion prevailed, and said amendment was so amended.

The third and fourth amendments of the House were then concurred in.

The several bills of the House, reported in said message, was read and passed to a third reading on to-morrow.

On motion of Mr. Feeny, an engrossed bill of the House of Representatives, to provide for summoning grand and petit jurors for the next March term of the Parke circuit court, was taken from the table, read a third time and passed.

Mr. Hendricks, from the committee on roads, to which had been referred a bill to vacate part of a state road from Princeton, in Gibson county, to Washington, in Daviess county, now reported said bill to the Senate, without amendment.

On motion of Mr. Robb, said bill was laid on the table.

Mr. Leviston, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of memorializing Congress on the subject of extending the provisions already made, for the inhabitants of fractional Congressional townships, where no lands have been reserved for the use of schools, so as to provide that said inhabitants of fractional townships may select their school lands, any where in the state, and not be confined to the land district in which the fractional townships may be situate, with leave to report by memorial or otherwise, have, according to order, had that subject under consideration, and directed me to report a memorial and joint resolution of the General Assembly, relative to fractional Congressional townships;

Which was twice read and ordered to a third reading.

Mr. Pollock, from the committee on the affairs of the town of Indianapolis, to which had been referred a resolution of the Senate, on the subject of abolishing the office of Agent of State, now reported a bill to abolish the office of Agent of State for the town.

of Indianapolis, and to transfer the duties thereof to the Auditor of Public Accounts and Treasurer of State;

Which was read twice and committed to the whole Senate.

Mr. Lemon, from the select committee, to which was referred a bill to amend the act, entitled an act to incorporate the Ohio and Indianapolis rail road company, approved Feb. 3, 1832, now reported the same to the Senate with sundry amendments.

Which were read and concurred in.

Mr. Herod moved to amend said bill by subjoining to the same, the following proviso:

Provided however, that nothing herein contained, shall authorize said company to diverge in the location, from any of the points mentioned in the act to which this is amendment.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Hanna, Herod, Hillis, Long, M'Carty, Orr, Pennington, Pollock, Robb and Wallace—18.

And those who voted in the negative, are

Messrs. Frisbie, Givens, Graham, Hendricks, Hoover, Jessup, Lemon, Leviston, Logan, Morgan and Whitcomb—11.

On motion of Mr. Lemon, said bill and amendments were laid on the table.

Mr. Logan submitted for adoption, the following resolution:

Resolved, That the Senate will adjourn *sine die*, on Saturday the 26th inst. the House of Representatives concurring therein.

Mr. Clark moved to amend said resolution, by annexing thereto, the following:

"That the public printer be authorized to prepare an abstract of all the business left unfinished and improperly acted upon, in the hurry and confusion of a premature adjournment."

Mr. Logan moved to amend the proposed amendment, by adding thereto, the following:

"Taking into consideration the time that has been spent in useless debate."

Which motion prevailed.

And on the question of amending the resolution as amended.

It was decided in the negative.

The question recurred on the adoption of the original resolution.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Farrington, Feeny, Givens, Hillis, Hoover, Lemon, Leviston, Logan, Long, McCarty, Morgan, Pennington, Pollock, Robb, Wallace and Whitcomb—19.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Frisbie, Graham, Hanna, Hendricks, Herod, Jessup and Orr—10.

So said resolution was adopted.

On motion of Mr. Fletcher, the following resolution was adopted, viz:

Resolved, That the committee on education be instructed to inquire into the expediency of filling any vacancy that may have occurred in the board of visitors to the Indiana college, by death, resignation, removal from the state or otherwise, and that the committee have leave to report by bill or otherwise.

On motion of Mr. Dumont, the following resolution was adopted, viz:

Resolved, That the Secretary of State be required to furnish the committee on the state library, with a list of the number of copies of the laws of the United States, (specifying the years,) that are in his office.

On motion of Mr. Graham, the following resolution was adopted, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for holding called sessions of the circuit courts, for the trial of persons confined in jail, charged with criminal offences, whenever such person or persons, shall, by petition, satisfy the president judge of the proper circuit, that justice can be fully administered.

Mr. Graham submitted for adoption, the following resolution:

Resolved, That no business shall be called in Senate, out of its proper order, during the remainder of the present session.

Mr. Ewing moved to amend the same, by annexing thereto, the following:

"That a committee be forthwith appointed, with instructions to examine and report, as soon as practicable, the bills of a gener-

of nature, now on file, which it is proper and necessary to act upon, during the present session.

Which motion did not prevail.

And on the question shall the resolution be adopted?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Fletcher, Frisbie, Givens, Graham, Hendricks, Herod, Jessup, Lemon, Morgan, Orr and Pennington—14.

And those who voted in the negative are,

Messrs. Chambers, Dumont, Ewing, Farrington, Hanna, Hillis, Hoover, Leviston, Logan, Long, M'Carty, Robb, Wallace and Whitcomb—14.

So said resolution was not adopted.

On motion of Mr. Lemon, the engrossed bill of the House of Representatives, to incorporate the Ohio and Charlestown turnpike company, was taken from the table.

The amendments of the select committee to said bill, were concurred in, and said amendments ordered to be engrossed, and with the bill, read a third time to-morrow.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to locate a state road from the Ohio line near Hillsborough, Wayne county, to intersect the Winchester and New Castle state road, in Henry county;

An act to repeal an act, entitled an act to raise additional revenue for the county of Ripley, approved Jan. 24, 1831;

An act to establish a state road from Green Castle, in the county of Putnam, to the county line of Parke;

An act to establish a state road from Salem, in Washington county, to Leesville, in Lawrence county;

An act to re-locate a part of the state road leading from Rockport to Boonville;

An act to locate a state road from Lafayette, in Tippecanoe county, to intersect a state road leading from Delphi, in Carroll county, to Lake Michigan;

An act for the relief of James Tiller.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Hillis moved to re-consider the vote of the Senate, adopting the resolution proposed by Mr. Logan, to adjourn *sine die*, on the 26th inst.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Hillis, Hoover, Jessup, Orr, Pennington and Whitcomb—17.

And those who voted in the negative, are

Messrs. Dumont, Givens, Lemon, Leviston, Logan, Long, Morgan, Pollock and Robb—9.

So said vote was reconsidered.

Mr. Lemon moved to lay said resolution on the table.

Which motion did not prevail.

Mr. Fletcher moved to refer said resolution to a committee of the whole Senate, and make it the order of the day for to-morrow.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Hanna, Hendricks, Herod and Orr—13.

And those who voted in the negative, are

Messrs. Chambers, Dumont, Graham, Hillis, Hoover, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Pennington, Pollock, Robb, Wallace and Whitcomb—17.

So said resolution was not committed.

The question recurred on the adoption of said resolution, and

Those who voted in the affirmative, are

Messrs. Dumont, Givens, Lemon, Leviston, Logan, Long, Morgan, Pollock, Robb and Wallace—10.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, M'Carty, Orr, Pennington and Whitcomb.—20.

So said resolution, was not adopted.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives disagree to the amendment proposed by the Senate, to the second amendment made by the House, to the engrossed joint resolution of the Senate, authorizing the subscription for the second volume of Blackford's Reports.

Mr. Graham moved that the Senate insist on their amendment to said bill.

Which motion did not prevail.

Mr. Hillis moved that the Senate recede from their proposed amendments, to the amendments of the House.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Clark Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Hendricks, Hillis, Hoover, Jessup, Leviston, Morgan, Pollock, Robb and Whitcomb—18.

And those who voted in the negative, are

Messrs. Blair, Givens, Graham, Hanna, Herod, Lemon, Logan, Long, M'Carty, Orr, Pennington and Wallace—12.

So the said amendments were receded from.

The Senate proceeded to the consideration of the orders of the day.

A bill to locate a state road from Green Castle, by the way of Putnamville, to Thomas Evan's farm,

Was read the second time, and ordered to a third reading.

A bill to provide for the sale of the salt lick reservations in this state,

Was read the second time, and committed for to-morrow.

A bill to provide for the improvement of that part of the Wabash river over which the state of Illinois has concurrent jurisdiction with this state,

Was read the second time.

Mr. Beard moved that said bill be referred to a committee of the whole.

Which motion did not prevail.

On motion of Mr. Morgan, said bill was laid on the table.

On motion of Mr. Jessup, an engrossed bill of the House of Representatives, to locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's in said Morgan county, to Stilesville, in the county of Hendricks,

Was taken from the table, and ordered to a third reading.

An engrossed bill of the House of Representatives to amend an act, entitled an act for the relief of John Boner, of Jennings county, approved Jan. 26, 1832;

A bill to amend an act, entitled an act regulating the practice in suits at law, approved Jan. 29, 1831;

To authorize the Governor to commence suits in the Dearborn circuit court, for the recovery of the possession and title to certain lands belonging to the state;

A bill for the inspection of certain articles therein enumerated;

A bill to repeal all acts and parts of acts allowing the county commissioners of Dearborn county, to lay an additional tax on said county, and

A joint resolution authorizing the purchase of a complete set of Niles' Register, and a subscription for the future numbers of the Register,

Were severally read a third time and passed.

On motion of Mr. Morgan, the bill which was a short time since on his motion, laid on the table, was now taken up.

On motion of Mr. Givens, said bill was amended by inserting, in the 2d section of said bill, after the words 'together with,' one hundred and fifty dollars, out of the 3 per cent. fund, heretofore accruing to Posey county.

Mr. Lemon moved that said bill be referred to a select committee with instructions to amend the same by providing for the payment of the fifteen thousand dollars, out of the 3 per cent. fund, belonging now, or hereafter accruing to the counties bordering on the Wabash river.

Mr. Robb moved to amend said amendment, by annexing thereto, the following:

And to provide that \$5000 of the 3 per cent. fund heretofore expended on the Jeffersonville canal, shall be added to the said appropriation, and deducted from the portion to Clark county.

Which motion prevailed.

And on the question of adopting Mr. Lemon's instructions and reference,

It was decided in the negative.

Mr. Ewing moved that the bill be engrossed for a third reading.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Far-
rington, Feeny, Fletcher, Frisbie, Givens, Hanna, Hendricks, Hil-
lis, Jessup, Orr, Pennington, Pollock, Robb, Wallace and Whit-
comb—21.

And those who voted in the negative, are

Messrs. Graham, Herod, Hoover, Lemon, Leviston, Logan,
Long, McCarty and Morgan—9.

So said bill was ordered to be engrossed for a third reading.

Mr. Clark moved to take from the table an engrossed bill of the
House of Representatives, to provide for the location of a state
road from Rockville to Rob Roy.

Which motion prevailed.

On motion of Mr. Wallace, said bill was postponed indefinitely.

The following bills, to wit:

To establish a state road from Bloomington, in Monroe county,
to the great falls of Eel river;

A bill supplemental to an act, entitled an act to locate a state
road from Merom, in Sullivan county, to a point on the Terre
Haute and Bono state road, approved Jan. 20, 1832;

A bill for the location of a state road from Chambersburgh, in
Fountain county, to Williamsport, in Warren county;

A bill to provide for the establishment of a state road from Cov-
ington to Russelville;

To provide for the location of a state road from Newport, in
Vermillion county, via Springfield, Eugene and Perrysville, to the
northern boundary of said county,

Were severally read a third time and passed.

A bill to re-locate a certain state road therein named,

Was read a third time.

And on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Ewing, Farrington, Feeny, Hanna, Herod, Hillis, Hoover, Jessup, Leviston, Long, M'Carty, Morgan Pennington, Pollock, Wallace and Whitcomb—18.

And those who voted in the negative, are

Messrs. Blair, Clark, Fletcher, Frisbie, Givens, Hendricks, Lemon, Logan, Orr and Robb—10.

So said bill passed.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to provide for sumoning grand and petit jurors, for the next March term of the Parke circuit court;

An act supplemental to an act, entitled, an act to incorporate the Greene county seminary;

An act to legalize the election of certain probate judges therein named;

And find the same truly enrolled.

On motion of Mr. Hanna, the orders of the day were suspended, and the Senate went into a committee of their whole body, for the purpose of taking into consideration, a bill amendatory of the acts, in relation to the Wabash and Erie canal, and after some time occupied in the consideration of the same, the committee rose, and Mr. M'Carty, their chairman, reported progress and asked leave to sit again;

Which was granted.

And on motion,

The Senate adjourned.

SATURDAY, JANUARY 19, 1833.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

Mr. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the two following engrossed bills of the House, to wit:

An act supplemental to an act, entitled an act to incorporate the Greene county seminary, and

An act to legalize the election of certain probate judges therein named.

The Speaker of the House of Representatives, having signed the two enrolled bills of the above titles, I am directed to bring them to the Senate, for the signature of their President.

The House have passed an engrossed bill of the Senate, to provide for a special session of the Switzerland circuit court, without amendment.

Also, engrossed bills of the following titles, to wit:

An act to establish a state road from John R. Crook's, in Lawrence county, to intersect the Rockport state road at Mark Trueblood's in said county;

An act for the relief of James Chess;

An act relative to a certain state road in Rush county, and

An act for the establishment of a state bank.

In which bills of the House, I am instructed to ask the concurrence of the Senate.

The three bills first named, were severally read and passed to a second reading.

The bill for the establishment of a state bank, was read twice.

Mr. Lemon moved that said bill be referred to the same committee of the whole Senate, to which had been referred sundry bills and petitions on the same subject.

On motion of Mr. Hillis, said bill was laid on the table, until Monday next.

Mr. Clark introduced the petition of Isaac Byers and others, citizens of Carroll county, praying certain relief;

Which was read.

Mr. Clark moved that the same be referred to the committee on education.

Mr. Whitcomb moved to change the reference to the judiciary committee;

Which motion prevailed, and the petition was so referred.

Mr. Fletcher presented the petition of Eliakim Harding and

others, praying certain remuneration, for improvements on the lands of the state;

Which was read, and

On motion of the same gentleman, referred to the committee on the affairs of the town of Indianapolis.

Mr. Chambers presented the petition of Henry Shirley;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Chambers, Logan and Pennington, compose said committee.

Mr. Whitcomb presented the petition of Hiram Fleetwood and others;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Whitcomb, Chambers and Logan, compose said committee.

Mr. Givens, from the committee on elections, to which had been referred so much of the Governor's message as relates to the public lands, and the votes of our Senators and Representatives in Congress, now reported, that the committee had considered the subjects referred to them, and ascertained that what related to the public lands had been referred to a more appropriate committee, who have reported thereon, and whose report has received the action of the Senate; and as to the other branch of the reference, they are of opinion that the votes of our Senators and Representatives in Congress, do not present a legitimate subject of legislation, they therefore ask to be discharged from the further consideration of the subject;

Which report was read and the committee discharged.

Mr. Morgan, from the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of increasing the fines on militia officers, for neglect of official duty, have had that subject under consideration, and have directed me to report that legislation, on that subject, would be inexpedient;

Which report was read and concurred in.

Mr. Pennington, from the select committee to which had been referred an engrossed bill of the House of Representatives, to ex-

tablish certain state roads therein named, now reported the same with sundry amendments;

Which were read and concurred in.

Ordered, That said amendments be engrossed, and with the bill be read a third time on Monday next.

Mr. Hendricks, from the select committee, to which was referred a bill of the last session, unfinished, for the relief of Andrew M'Coy, now reported a bill for the relief of Andrew M'Coy;

Which was read and passed to a second reading on Monday next.

Mr. Chambers, from the select committee to which was referred the petition of Henry Shirley, now reported a bill for the relief of Henry Shirley;

Which was read three times and passed.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act supplemental to an act to locate a state road from Merom, in Sullivan county, to a point on the Terre Haute and Bono state road, approved Jan. 20, 1832;

An act to provide for a special session of the Switzerland circuit court;

And have found the same truly enrolled.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act supplemental to an act, entitled an act to incorporate the Green county seminary;

An act to legalize the election of certain probate judges therein named;

The following message, from the Governor, was delivered by Mr. Maguire:

Mr. PRESIDENT:

I am instructed by his Excellency the Governor, to notify the Senate, that he did, on yesterday, approve and sign two bills and a joint resolution, which originated in the Senate, entitled as follows, viz:

An act to locate a state road from Montezuma, to intersect the state road leading from Danville to Montezuma.

An act to change a part of the state road from Levenworth's mill, to Orleans, in Orange county, and

A memorial and joint resolution of the General Assembly of the state of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White rivers.

The Senate proceeded to the consideration of the orders of the day.

An engrossed bill of the House of Representatives supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county,

Was read a second time and ordered to a third reading.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the engrossed bill of the House, to amend an act, entitled an act for the relief of John Boner, of Jennings county, approved Jan. 26, 1832, and disagree to the amendments proposed by them, to the engrossed bill of the House, to provide for the establishment of a state road from Covington to Russellville.

On motion of Mr. Orr, the Senate insist on their amendment to said bill.

The following message, from the House of Representatives was received by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills I am directed to bring them to the Senate for the signature of their President, viz:

An act to provide for summoning grand and petit jurors for the next March term of the Parke circuit court;

An act to provide for a special session of the Switzerland circuit court;

An act supplemental to an act, entitled an act to locate a state road from Merom, in Sullivan county, to a point on the Terre Haute and Bono state road, approved Jan. 20, 1832.

Which having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

An engrossed bill of the House of Representatives, to incorporate the Christian college at New Albany, in Floyd county, Indiana,

Was read a second time, and

On motion of Mr. Pennington, laid on the table.

On motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

The engrossed bill to incorporate the Christian college at New Albany, in Floyd county, was taken from the table,

On motion of Mr. Lemon, and ordered to a third reading.

The following bills of the House, viz:

An act to establish a state road from the Tobacco landing, in Harrison county, by the way of Lacenia, to Corydon, in said county, and for other purposes, and

An act to amend an act providing for the erection of a bridge across Rattle Snake creek, in Owen county,

Were read a second time and ordered to a third reading.

The following bill, viz:

To locate a state road from Green Castle, by the way of Putnamville to Thomas Evan's farm;

To locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's in said Morgan county, to Stilesville, in the county of Hendricks, also.

A memorial and joint resolution of the General Assembly, relative to fractional Congressional townships, and

An engrossed bill to incorporate the Ohio and Charlestown turnpike company,

Were severally read a third time and passed.

A bill to provide for the improvement of that part of the Wabash river, over which the state of Illinois has concurrent jurisdiction with this state,

Was read a third time;

And on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Far-

ington, Feeny, Fletcher, Givens, Hanna, Hillis, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—18.

Those who voted in the negative, are

Messrs. Frisbie, Graham, Hendricks, Herod, Hoover, Lemon, Leviston, Logan, Long, M'Carty and Morgan—11.

So said bill passed.

On motion of Mr. Clark, the Senate went into a committee of the whole, for the purpose of resuming the consideration of a bill amendatory of the acts in relation to the Wabash and Erie canal, and after some time occupied in the consideration of the same, the committee rose, and Mr. M'Carty, their chairman, reported progress, and asked leave to sit again.

Which was granted.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives recede from their disagreement to the amendments made by the Senate to the engrossed bill of the House to provide for the establishment of a state road from Covington to Russellville.

Mr. Leviston, from the joint committee on enrolled bills, reported that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to provide for a special session of the Switzerland circuit court;

An act supplemental to an act, entitled an act to locate a state road from Merom, in Sullivan county, to a point on the Terre Haute and Bono state road, approved Jan. 30, 1832;

An act to provide for summoning grand and petit jurors, for the next March term of the Parke circuit court.

And on motion,

The Senate adjourned.

MONDAY, JANUARY 21, 1833.

The Senate assembled.

Mr. Morgan presented the petition of Robert A. Ford and others, relative to the contemplated Harrison and Indianapolis turnpike road;

Which was read, and

On motion of the same gentleman, referred to the same committee to which the bill on the same subject had been referred.

Mr. Hanna presented the petition of James P. Antrim and others;

Which was read and referred to the committee on roads.

Mr. Morgan presented the petition of Conrad Sailors and others;

Which was read, and

On motion of the same gentleman, laid on the table.

Mr. Clark presented the petition of John Smith and others;

Which was read, and

On motion of the same gentleman, referred to the judiciary committee.

Mr. Ewing presented the petition of Pierre Gamlin and others, citizens of Vincennes;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Ewing, Chambers and Pennington, compose said committee.

Mr. Hanna presented the petition of Henry Radisill and others, citizens of Fort Wayne, praying the establishment of a branch of the contemplated state bank, in Fort Wayne;

Which was read, and

On motion of the same gentleman, referred to the same committee to which the several bills for the establishment of a state bank, had been referred.

Mr. Fletcher, from the judiciary committee, to which had been referred a bill of the House of Representatives, for the relief of Thomas Speed, now reported the same with an amendment;

Which was concurred in, and the bill read a third time and passed.

Mr. Fletcher, from the same committee made the following report:

The committee on the judiciary, to which was referred a reso-

lution of the Senate, instructing them to inquire into the expediency of providing by law for the holding called sessions of the circuit court, for the trial of persons charged with criminal offences, whenever such person or persons, shall, by petition, satisfy the President Judge of the proper circuit, that justice can be fully administered, have had the subject embraced in the resolution, under their consideration, and the committee have directed me to report, that from the numerous applications to the Legislature, for the passage of special acts for the trial of persons confined in jail for offences, in the vacation of circuit courts, the committee have no doubt but that the subject under their consideration, deserves legislative enactment, at this session. But to provide for the trial of those persons confined in jail, whilst the presiding judge is engaged in his regular circuit duties, or to direct which of two criminals should first receive a trial, who may be confined in different counties, and make an application at the same time, to the presiding judge, or to determine what peculiar circumstances must exist, to entitle the person thus confined, to the benefit of a special trial, are all questions of no little perplexity, and a majority of the committee believe, deserve more consideration than they can well receive, at this late period of our session; and therefore they have directed me to ask to be discharged from a further consideration of the resolution.

Which was read and the committee discharged.

The following message was received from the House of Representatives, by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills of the House, entitled as follows:

An act to locate a state road from James Morris', in Bartholomew county, to Joab Woodruff's, in Johnson county;

An act to incorporate the Liberty school society, and

An act providing for constructing of a bridge over mill creek, in Owen county.

In which I am instructed to ask the concurrence of the Senate.

Which bills were severally read and passed to a second reading.

Mr. Morgan, from the military committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution of the Senate, instructing them to inquire into the ex-

pediency of amending the militia law, so as to secure the better preservation of the public arms, have, according to order, had the subject referred, under consideration, and have directed me to report, that the provisions of the 9th section of the present militia law, are sufficient to secure the preservation of the public arms, and the committee ask to be discharged from the further consideration of the subject.

Which was read and the committee discharged.

Mr. Morgan, from the same committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred so much of the Governor's message as relates to the militia, also the annual report of the Adjutant General, have, according to order, had the same under consideration, and have directed me to report, that the interest of the state requires, that full returns of the strength of the militia, should be made annually, to enable the Governor to draw the proper quota of public arms from the general government, for the use of the state, and to make the proper requisitions, in case of war. Your committee are unanimous in the opinion, that officers who will not be induced by the interest of the state, and the solemnity of oaths to perform the duties enjoined on them by law, are unworthy to command, and should be arrested without distinction of rank. The present militia law of the state, authorizes and requires all officers, from the commanders of regiments to that of divisions, both inclusive, whose duty it is to receive and make annual returns of the strength of their respective commands, to cause to be arrested, all delinquent officers, on pain of being himself arrested and fined agreeably to his rank. The law requires the Governor, on being notified, by the Adjutant General, that any Major General, has failed to make his annual return agreeably to law, to cause such Major General to be arrested and order a court martial for his trial, unless such delinquent officer, previous to his arrest, shall notify the Adjutant General, that he has received no returns from his inferior officers, and that he has caused such inferior officer or officers, to be arrested. The militia law provides no remedy for the neglect of this duty, by the Commander-in-Chief. The committee believe that the law contemplates a discretionary power in the Governor, and that it is proper for him, to exercise that power, according to the nature of the case, but that in the exercise of that discretion, the interest of the state requires that his Excellency should be fully satisfied that it was not in the power of such delinquent officer, to comply with the requisitions of the law, before he should excuse

such delinquent officer from arrest. If General officers are permitted to trample on the laws of the land with impunity, in the neglect of official duties, and deprive the militia of arms, the whole system will inevitably fall into disrepute, and the strong arm of national defence, become weak and feeble. The committee are satisfied that a part of the delinquencies spoken of by the Adjutant General, were occasioned by the organization of new companies, regiments and a new brigade. The committee believe the present militia law, if faithfully executed, will insure full returns to be made in future. The committee ask to be discharged from the further consideration of the subject.

Which was read and the committee discharged.

Mr. Morgan, from the same committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of increasing the salary of the Adjutant General, have, according to order, had the same under consideration, and a majority of the committee have directed me to report a bill, which is herewith submitted, viz:

A bill fixing the salary of the Adjutant General;

Which was read and passed to a second reading to-morrow.

Mr. Lemon, from the committee on the affairs of the state prison, to which had been referred a resolution of the Senate, on the subject of carrying into effect the provisions of the law regulating the state prison, now reported a bill supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831;

Which was read twice, and

On motion of Mr. Dumont, laid on the table.

Mr. Orr, from the committee on public buildings, to which had been referred a letter of Ithiel Town, on the subject of extending the state house square, now reported a bill to extend the state house square in the town of Indianapolis and for other purposes;

Which was read twice, and

On motion of Mr. Orr, referred to the same committee to which a bill on the same subject had been referred.

Mr. Whitcomb, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of H-

ram Fleetwood and others, praying for the establishment of a certain state road therein named, have, according to order, had the same under consideration, and have directed me to report a bill herewith, entitled a bill to establish a state road from Bloomington, in Monroe county, by way of Bale's ferry, to Leesville, in Lawrence county;

Which was read and passed to a second reading to-morrow.

Mr. Hoover, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred a petition, praying for a change in the charter of the Richmond, Eaton and Miami rail road company, have had the same under their consideration, and have directed me to report a bill to amend the act, entitled an act to incorporate the Richmond, Eaton and Miami rail road company, approved Feb. 3, 1832;

Which was read and passed to a second reading to-morrow.

Mr. Whitcomb, on leave granted, introduced a bill to provide for the repair of roads in Monroe county;

Which was read twice, and

On motion of Mr. Fletcher, laid on the table.

The Senate proceeded to the orders of the day.

A bill of the House of Representatives, relative to a certain state road in Rush county,

Was read a second time, and

On motion of Mr. Morgan, laid on the table.

A bill for the relief of Andrew M'Coy,

Was read a second time and ordered to be engrossed for a third reading.

A bill of the House, to establish a state road from John R. Crook's, in Lawrence county, to intersect the Rockport state road at Mark Trueblood's,

Was read twice and passed.

A bill of the House for the relief of James Chess,

Was read a third time and passed.

On motion of Mr. Morgan, the bill relative to a certain state road in Rush county, was taken from the table, amended, and the amendment ordered to be engrossed and with the bill read a third time to-morrow.

An engrossed bill of the House of Representatives, to incorporate the Christian college at New Albany, in Floyd county,

Was read a third time.

Mr. Hillis moved to amend said bill, by annexing thereto, the following proviso:

Provided however, that the Legislature reserves the right of altering or amending said charter at any time after the expiration of ten years.

Which amendment was admitted by consent, and the said bill passed.

On motion of Mr. Fletcher, a joint resolution relative to the public printing, was taken from the table, read a third time and passed.

The following bills of the House, viz:

An act to establish a state road from the Tobacco landing, in Harrison county, by the way of Laconia, to Corydon, in said county, and for other purposes;

A bill supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county, approved Jan. 24, 1832;

An bill to amend an act providing for the erection of a bridge across Rattle Snake creek, in Owen county, and

A bill to establish certain state roads therein named,

Were severally read a third time and passed.

On motion of Mr. Orr, the Senate went into a committee of the whole, for the purpose of resuming the consideration of a bill amendatory of the acts in relation to the Wabash and Erie canal, and after some time occupied in the consideration of the same, the committee rose, and Mr. M'Carty, their chairman, reported the same with sundry amendments, in which he asked the concurrence of the Senate, and before taking the question on concurrence,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

And resumed the consideration of the canal bill.

On motion, the question of concurrence in the amendments reported by the committee, was propounded, in reference to the same, separately.

The question was propounded, will the Senate concur in the first amendment, which was by striking out so much of the 6th section, as reads as follows:

Shall be annually elected in joint meeting of the Senate and House of Representatives, on the second Monday of January of each succeeding year, to serve during the term of one year.

And in lieu thereof, inserting the following:

Elected in joint meeting of the Senate and House of Representatives, to serve for three years, unless sooner removed by a joint resolution of the General Assembly: Provided that at the first election, they shall serve during the terms hereinafter specified, unless sooner removed by a joint resolution as aforesaid; that is to say: the person having the highest number of votes, to serve three years; the person receiving the next highest number of votes, to serve two years, and the person receiving the next highest number, to serve one year. Should two or more persons, receive the highest and an equal number of votes, the President of the Senate and the Speaker of the House of Representatives, the terms of service shall decide by lot, their respective terms of service.—An election to supply the places in said board of canal commissioners, as the terms of service expire, shall be held on the second Monday of January, annually.

A division of the question being called for, the question was taken on striking out.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Farrington, Fletcher, Givens, Graham, Hanna, Herod, Hillis, Hoover, Lemon, Logan, Long, Orr, Pennington, Pollock and Whitcomb—17.

And those who voted in the negative, are

Messrs. Beard, Clark Dumont, Ewing, Feeny, Frisbie, Hendricks, Jessup, Leviston, M'Carty, Morgan and Robb—12.

So said words were stricken out.

Mr. Ewing moved to amend the proposed amendment, by striking out three, and inserting two, in lieu thereof, limiting the number of commissioners to two.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hendricks. Herod, Hoover,

Jessup, Leviston, Logan, McCarty, Morgan, Pennington, Robb and Whitcomb—21.

And those who voted in the negative, are

Messrs. Chambers, Clark, Hanna, Hillis, Lemon, Long, Orr and Pollock—8.

So said amendment was thus amended.

Mr. Farrington moved further to amend the amendment so that the person receiving the highest number of votes, serve two years.

Which motion prevailed, and the amendment as amended, concurred in.

Mr. Ewing moved to add the following section to the bill.

It shall be the duty of said canal commissioners, to keep a complete record of all the proceedings necessary to be perpetuated; such as the bids, and by whom made, on all contracts offered to the lowest and best bidder, in relation to the canal, and every portion thereof; the bids that may have been contracted for, with whom, and the security received, if any, and when there is the appearance of a combination between the bidders, to cause the contract to be let at too high a price, and when they believe the bids made are not reasonable, they shall suspend the sale of such contract, and proceed to give another notice, and afterwards to sell the same, when a reasonable bid, properly secured, be made; and said commissioners are required to embrace a detailed statement of said proceedings and contracts, in their annual report, to the General Assembly.

Mr. Fletcher proposed to amend the proposed amendment of Mr. Ewing, by inserting, after the words, 'if any,' the following:

'And also note down the number of purchasers who may abandon the land by them purchased, after the first, second, third, fourth and fifth years, after their entry upon the land sold under this act.'

Which motion prevailed.

And on the question, shall the amendment as amended, be adopted?

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hanna, Herod, Hoover, Jessup, Lemon, Leviston, Logan, Long, McCarty, Morgan, Pennington, Robb and Whitcomb—22.

And those who voted in the negative, are

Messrs. Blair, Clark, Dumont, Hendricks, Hillis and Orr—6.

So said amendment was adopted.

The question was then taken on striking out the bill of the House of Representatives, from the enacting clause, which reads as follows:

Sec. 1. That the canal commissioners be, and they are hereby authorizing to let out and put under contract, the remaining part of the summit section or middle division of the Wabash and Erie canal, at such time or times, previous to the first day of June next, as they may deem most conducive to the interests of the state.

Sec. 2. That it shall be, and is hereby made lawful for said commissioners, to pay contractors at their discretion, any sum within fifteen per cent. of the value of their work actually done and performed on the canal line, according to the provisions of their several contracts, as the same may have or shall be estimated by the Engineer, superintending such work.

Sec. 3. That in all places where any of the public roads or highways of this state, shall be locating on, or so near to the route of the Wabash and Erie canal, as to interfere with said canal, or with any of the works appertaining thereto, said commissioners may, or they are hereby authorized, to change or alter the location of such roads or highways, to a convenient distance from said canal, or to locate the same across said canal, at such point or points thereon, as may be most convenient, for the erection of bridges, having economy and the public convenience always in view; provided that in all cases where such changes shall be made, the part of the road or roads so altered, shall in such manner, that the travelling shall not be interrupted or prevented thereby, of the part so changed and altered, shall have, before such change and alteration been opened, and not otherwise.

Sec. 4. That hereafter, the commissioners of the canal fund, and the board of canal commissioners, shall have the two first weeks of each session of the General Assembly, in which to submit their annual reports, and it shall hereafter be the duty of the canal commissioners, to exhibit to the General Assembly, in their annual report, the particular price, at which each contract may have been let.

Sec. 5. That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks,

Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Logan, Long, M'Carty, Morgan, Pennington, Pollock, Robb and Whitcomb—27.

And those who voted in the negative, are

Messrs. Clark, and Orr—2.

So said amendment was adopted.

Mr. Robb moved further to amend the said bill, by striking out, in the second section, after the word 'the,' 'accounts of the commissioners of the canal fund for expenses, as reported to the General Assembly, in their report of the 11th of December, 1832, be and the same is hereby allowed, but'

And in lieu thereof, insert the following:

'Canal fund commissioners, and shall each be allowed two dollars per day for expenses by them incurred, during the time which they have been engaged in discharged such of their duties as were performed without the limits of the state, but no allowance whatever, shall be made to said commissioners for expenses while they have been engaged in the performance of duties by them discharged within this state, and'

And on this question,

Those who voted in the affirmative, are

Messrs. Ewing, Frisbie, Givens, Graham, Lemon, Leviston, Logan, Morgan and Robb—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Farrington, Feeny, Fletcher, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Long, M'Carty, Orr, Pennington, Pollock, and Whitcomb—20.

So said proposed amendment was not adopted.

On motion of Mr. Ewing, the bill of the Senate, as amended, was inserted in lieu of the bill of the House stricken out, and the same ordered to be engrossed for a third reading.

Which bill reads as follows:

Sec. 1. That the commissioners of the canal fund be, and they are hereby directed to deposit, in some safe bank, all such sum or sums of money, for the best interest the same will command, as they shall receive in virtue of loans made, or which shall be made for

the Wabash and Erie canal, under the authority of any law of this state, until the same may be drawn for the purpose of being paid out in discharge of expenditures incurred by the construction of the canal, or expences incidental thereto; and no language used in the sixth section of the act to which this is supplementary, approved Jan. 9, 1832, shall be taken or construed, to authorize any loan to individuals, or any other disposition of canal funds, than is herein specified, upon any condition; and said commissioners shall, in their annual report to the General Assembly, to be made during the second week of each annual session hereafter; specify the banks holding all such deposits; the amount thereof; the rate of interest contracted to be allowed, and the precise situation of the entire fund.

Sec. 2. Be it further enacted, that the accounts of the commissioners of the canal fund, for expenses, as reported to the General Assembly, in their report of the eleventh day of December, 1832, be and the same are hereby allowed; but in future accounts, for personal services and expences, the commissioners aforesaid, shall be only entitled to charge, in addition to their present per diem allowance, as regulated by law, eight cents per mile, for any distance which they may necessarily travel, beyond the limits of this state, except for necessary stationary and printing.

Sec. 3. The canal commissioners shall be, and they are hereby directed to let out and put under contract, in proper time, the remaining part of the summit section or middle division of the Wabash and Erie canal, in the manner provided for by the eighth section of the said supplemental act, approved Jan. 9, 1832, or as much thereof as the money on hand and that to be contracted for, under existing authority, may be sufficient to effect, and the advance payment made on contracts, shall, if demanded by contractor, hereafter be three fourths of the value of the labor actually done, as the same may be estimated in progressive portions, by the State Engineer.

Sec. 4. In places where any roads or highways, in this state, shall be located on or so near to the route of the Wabash and Erie canal, as to interfere with the canal, or any of the works appertaining thereto, the said canal commissioners shall be, and they are hereby empowered and authorized to alter and change the location of such roads or highways, to a convenient distance from the canal, or to locate the same across the canal, at such point or points, as they may deem preferable, keeping public convenience and economy in view.

Sec. 5. That so much of the sixth section of an act, entitled an act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana, approved Jan. 28, 1830, as requires one fourth of the purchase money of all tracts of land to be paid at the time of purchase, be and the same is hereby repealed; and it is rendered the duty of the canal commissioners, to

give four weeks public notice and re-expose to sale, by public outcry, to the highest bidder, all tracts not sold previous to the taking effect of this act, giving five years time to the purchaser from the day of sale, to pay one fourth of the purchase money; provided that until the expiration of said five years, interest shall be paid annually in advance, upon the whole amount for which each tract may sell; the interest and residue after that period, and the rights and liabilities of purchasers, to be and remain in every respect the same as is now provided by law.

Sec. 6. From and after the passage of this act, two canal commissioners shall be annually elected in joint meeting of the General Assembly, to serve for two years, unless sooner removed by a joint resolution of the General Assembly: provided that at the first election, they shall serve during the terms hereinafter specified, unless sooner removed by a joint resolution as aforesaid, viz: The person having the highest number of votes, to serve two years, the person receiving the next highest number of votes, one year. Should the two highest candidates receive the same number of votes, the President of the Senate and the Speaker of the House of Representatives shall decide by lot the terms of time they shall serve. An election to supply the places in said board of canal commissioners, as the terms of time expire, for which they may be elected, shall be held on the second Monday in January annually, and then shall take an oath, and give bond with approved security, for the faithful performance of all the duties appertaining thereto, or devolving upon said office by law; said penal bond and security to be approved in the same manner, call for the same penalty, and be subject to the same liabilities as are now provided for by law, in relation to canal commissioners.

Sec. 7. It shall be the duty of said canal commissioners, to keep a complete record of their proceedings, necessary to be perpetuated; such as the bids, and by whom made on all contracts offered to the lowest and best bidder, in relation to the canal, and every portion thereof; the bids that may have been contracted for, with whom and the security received, if any; also report the number of purchasers, who may abandon the land by them purchased, after the first, second, third, fourth and fifth years, after their entry upon the lands sold under this act. When there is the appearance of a combination between the bidders, to cause the contract to be let at too high a price, and when they believe the bids made are not reasonable, they shall suspend the sale of such contract, and proceed to give another notice, and afterwards to sell the same, when a reasonable bid, properly secured, be made; and said commissioners are required to embrace a detailed statement of said proceedings and contracts, in their annual report, to the General Assembly.

Sec. 8. That all necessary utensels, implements and proper materials, required by actual canal contracts, to perfect their con-

tracts upon the canal, locks, gates, towing path or other works connected therewith, and in their possession, procured for said purpose, shall be exempt from execution, and be viewed as bona fide public property, in special charge of said contractor, from the moment any advance of money may have been made on behalf of the state, to such contractor, up to the completion of the contracts existing when such execution may have been issued; and all officers of law shall be bound to conduct themselves accordingly.

Sec. 9. All laws and parts of laws now in force, which come within the purview of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to amend an act, entitled an act for the relief of John Boner, of Jennings county, approved Jan 26, 1832;

An act for the location of a state road from Chambersburgh, in Fountain county, to Williamsport, in Warren county;

An act for the establishment of a state road from Covington to Russelville;

An act to locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's in said county, to Stilesville, in the county of Hendricks;

A joint resolution authorizing the subscription for the second volume of Blackford's Reports;

And have found the same truly enrolled.

The President laid before the Senate, the following communication from the Governor:

EXECUTIVE DEPARTMENT,
Indianapolis, January 21, 1833. }

THE HON. DAVID WALLACE,
President of the Senate:

Sir:—I lay before the Senate, two resolutions from the Legislature of the state of Georgia, one of which, recommends the call of a convention, and proposes sundry amendments to the Constitution of the United States, and the other, in responding to the Tennessee resolutions, denies that the General Government has the power, under the Constitution, to enter into a system of internal improvements.

N. NOBLE,

Which was read and with the accompanying documents.

On motion of Mr. Beard, laid on the table.

A bill to establish a state bank, was called in the regular order, and

On motion of Mr. Pennington, made the special order of the day for to-morrow.

On motion of Mr. Graham, a bill supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831, was taken from the table, and ordered to be engrossed for a third reading.

And on motion,

The Senate adjourned.

TUESDAY, JANUARY 22, 1833.

The Senate assembled.

Mr. Orr presented the petition of Samuel Rogers and others;
Which was read, and

On motion of the same gentleman, referred to the committee on roads.

Mr. Hillis presented the petition of Byrum Barnett and others;
Which was read, and

On motion of the same gentleman, laid on the table.

Mr. Morgan presented the remonstrance of Henry Porter and others, against the vacation of part of a certain street, in Indianapolis.

Which was read and referred to the same committee to which a bill for the extension of the state house square has been referred.

Mr. Farrington presented the petition of Wm. S. Craft and others;

Which was read, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Farrington, Ewing and Feeny compose said committee.

Mr. McCarty presented the petition of S. Tyner and others, relative to the Indianapolis and Harrison rail road company;

Which was read, and

On motion of the same gentleman, referred to the same committee to which a bill on the same subject has been referred.

Mr. Logan, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, requesting said committee to inquire into the expediency of memorializing Congress in behalf of the citizens of such congressional townships in our state in which the sixteenth sections cannot be sold for \$1 25 per acre, in consequence of the little value thereof, requesting Congress to grant to the citizens of such townships, a section of good land, in lieu of such sixteenth section, have, according to order, had the same under their consideration, and directed me to report a memorial of the General Assembly of the state of Indiana, to the Congress of the U. S. on the subject of unproductive sixteenth sections;

Which was read twice, by consent.

Mr. Robb moved to amend said memorial, by striking out, one section of good land, and in lieu, inserting, land scrip.

Which motion did not prevail.

On motion of Mr. Whitcomb, the vote refusing to amend said memorial, was reconsidered, and the memorial laid on the table.

Mr. Whitcomb, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the engrossed bill of the House, to provide for building school houses in congressional township No. 17, north of range No. 9, west, in the county of Vermillion, have, according to order, had the same under consideration, and report the same back to the Senate without amendment, and ask to be discharged from the further consideration of the same.

Which was read and the committee discharged.

Said bill was ordered to a third reading to-morrow.

Mr. Pollock, from the Indianapolis committee, made the following report:

The committee on the affairs of the town of Indianapolis, to which was referred a petition of Thomas Pogue, praying remuneration for improvements made on the lands of the state, at Indianapolis; also the petition of Eliakim Harding and others, pray-

ing similar relief and remuneration, have had the same under their consideration, and have directed me to report in pursuance of the petitions, a bill for the relief of Thomas Pogue and others;

Which was read and passed to a second reading.

Mr. Pennington from the committee on claims, to which was referred the petition of John W. Lee, of Bloomington, praying compensation for services rendered and costs incurred, as superintendent of the township reserved for a college in Monroe county, now reported that the committee had examined the subject referred to them, and found among the special acts of 1824; an act concerning the seminary lands in Gibson and Monroe counties, in which, provision is made, that the trustees of the state college shall make said superintendent, such compensation out of the college funds, as they may deem reasonable. That among the acts of 1825, is an act to amend an act concerning the seminary lands in Gibson and Monroe counties and for other purposes. In the 3d section of which act, is a provision, making it the duty of the trustees of the college, to make such compensation to the superintendent, as they may deem just. In the acts of 1830, page 165, section 4, is a similar provision. All the acts above referred to shew conclusively, that the said John W. Lee, should have made his application to the board of trustees of the state college, for the services by him rendered, as well as for the costs incurred by the unsuccessful prosecution of sundry suits against trespasses, who have full power to judge of the reasonableness and amount of his claims; the committee therefore are of opinion that legislation on the subject embraced by said petition, would be improper, and ask to be discharged from the further consideration of the subject;

Which was read and the committee discharged.

Mr. Pennington, from the same committee, to which the petition of John W. Lee, Agent of Jackson's lick in Monroe county, asking as an allowance for his services, fifty three dollars and fifty cents, now reported that the committee had examined the subject referred to them, and had agreed to recommend to the Senate, that the said John W. Lee be allowed the sum of twenty-five dollars, in full of his services as such superintendent; said allowance to be inserted in the bill making specific appropriations for the present year, and request to be discharged from the further consideration of the subject;

Which report having been read, the committee were discharged.

Mr. Ewing, from a select committee, made the following report:

Your select committee, to whom was referred a resolution instructing them to inquire into the expediency of amending the act

establishing a college in this state, so as to admit the gratuitous tuition and maintainance of a certain number of pupils from each county, to be instructed upon approved portions of the Fellenberg and Lancastrian system of education, have had the same under consideration, and commending the laudable object, as being in strict conformity to constitutional provisions, and well calculated to effect much good, herewith report a bill supplemental to the college act, in order to accomplish the intent;

Which was read twice, by consent, and committed to the whole Senate, for further deliberation.

Mr. Leviston, from the joint committee on enrolled bills, reported that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act for the location of a state road from Chambersburgh, in Fountain county, to Williamsport, in Warren county;

An act to amend an act entitled an act for the relief of John Boner, of Jennings county, approved Jan. 26, 1832;

An act to provide for establishing a state road from Covington to Russelville;

An act to locate a state road from Martinsville, in the county of Morgan, via Cox's mill and Solomon Dunagan's, in said Morgan county, to Stilesville, in the county of Hendricks;

A joint resolution authorizing a subscription for the second volume of Blackford's Reports.

Mr. Dumont, from the committee on the state library, to which was referred a resolution, respecting the binding and distributing of the laws of the United States, in the office of the Secretary of State, now reported a joint resolution to provide for binding and distributing the acts of Congress, deposited in the office of the Secretary of State;

Which was read and passed to a second reading to-morrow.

On motion of Mr. Dumont, the following resolution was adopted:

Resolved, That the committee on education be instructed to inquire into the expediency of memorializing Congress for a donation of land, for a county library, in such of the old counties of this state, in which public provision has not been made for such institutions.

On motion of Mr. Jessup, the following resolution was adopted:

Resolved, That the committee on military affairs, be instructed to inquire into the expediency of so amending the act regulating the election of Field officers, that elections for that purpose, be

held in each Captain's company, or other election district, in the proper county, and that returns be made as in general elections.

Mr. Beard, from the joint committee on enrolled bills, now reports, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to establish a state road from John R. Crook's, in Lawrence county, to intersect the Rockport state road at Mark Trueblood's in said county;

An act supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county, approved Jan. 24, 1832;

An act to amend an act providing for the erection of a bridge across Rattle Snake creek, in Owen county;

An engrossed joint resolution relative to the public printing;

An act for the relief of James Chess;

An act to establish a state road from the Tobacco landing, in Harrison county, by the way of Laconia, to Corydon, in said county, and for other purposes,

And find the same truly enrolled.

Mr. Blair, on leave granted, introduced a bill to amend an act, entitled an act to appropriate a part of the three per cent. fund, and for other purposes, approved Feb. 10, 1831;

Which was read twice by consent, and passed to a third reading on to-morrow.

The Senate proceeded to the orders of the day, and

On motion of Mr. Graham, went into a committee of the whole body, for the purpose of considering a bill to establish a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Jessup, their chairman, reported progress, and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

WEDNESDAY, JANUARY 23, 1833.

The Senate assembled.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed enrolled bills, entitled,

An act to amend an act, entitled an act for the relief of John Boner, of Jennings county, approved Jan 26, 1832, and

An act for the location of a state road from Chambersburgh, in Fountain county, to Williamsport, in Warren county,

I am directed to bring them to the Senate for the signature of their President.

The House have passed an engrossed bill, entitled an act changing the time for holding the circuit courts in the first second, fourth, fifth and sixth judicial circuits;

In which I am instructed to ask the concurrence of the Senate.

Said bills having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

Said bill of the House, was read and passed to a second reading.

Mr. Beard, from the joint committee on enrolled bills, now reported that they did, on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to establish a state road from the Tobacco Landing, in Harrison county, via Laconia to Corydon, in said county and for other purposes;

An act to amend an act, providing for the erection of a bridge across Rattle Snake creek, in Owen county;

An act for the relief of James Chess;

An act to establish a state road from John R. Crooks, in Lawrence county, to intersect the Rockport state road, at Mark Trueblood's, in said county;

A joint resolution relative to the public printing;

An act supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county, approved Jan. 24, 1832.

They further report that they have compared the enrolled with the engrossed bills, entitled acts, as follows:

An act for the relief of Thomas Speed;

To incorporate the Christian college at New Albany, in Floyd county,

And find the same truly enrolled.

The following message, from the House of Representatives was received by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives agree to the first five, and disagree to the 6th amendment of the Senate, to the engrossed bill of the House, to establish certain state roads therein named.

The Speaker of the House of Representatives having signed enrolled bills, entitled,

An act for the relief of Thomas Speed, and

An act to incorporate the Christian college, at New Albany, in Floyd county, Indiana;

I am instructed to bring them to the Senate, for the signature of their President.

The House have passed an engrossed bill, entitled,

An act to amend an act, entitled an act relating to county seminaries.

In which I am instructed to ask the concurrence of the Senate.

On motion of Mr. Frisbie, the Senate recede from their 6th amendment, to the bill of the House, to establish certain state roads therein named.

The bills reported, having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

The bill of the House, to amend an act relating to county seminaries, was read and passed to a second reading.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills, &c. I am directed to bring them to the Senate, for the signature of their President, viz:

An act to provide for establishing a state road from Covington to Russelville;

An act to locate a state road from Martinsville, in the county of Morgan, by the way of Cox's mill and Solomon Dunagan's, in said Morgan county, to Stilesville, in the county of Hendricks, and

A joint resolution authorizing a subscription for the second volume of Blackford's Reports.

The House concur in the amendment made by the Senate, to the engrossed bill of the House, for the relief of Thomas Speed, and in the first eleven amendments of the Senate, to the engrossed bill of the House, to incorporate the Ohio and Charlestown turnpike company.

To the first branch of the 12th amendment of the Senate, to the last named bill, (to wit: the 19th sec.) the House disagree, and agree to the second branch thereof, (to wit: the 20th sec.) with an amendment, and to the 13th amendment, they agree, with an amendment, in which the concurrence of the Senate is requested.

The House have passed the two following engrossed bills of the Senate, to wit:

An act to appropriate part of the 3 per cent. fund, and

An act to amend an act, entitled an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832; the former with and the latter without amendment.

They have also passed engrossed bills of the House, of the following titles, to wit: Marked

No. 1. An act authorizing a change in a part of the Munceytown and Logansport state road;

No. 2. An act to authorize the re-location of a state road in Marion county;

No. 3. An act to incorporate a board of trustees, for the promotion of schools and education in Clark's grant;

No. 4. An act to grant certain titles in Mount Vernon, and for the benefit of Thomas Givens;

No. 5. An act to amend an act, entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832;

No. 6. An act to re-locate a part of the Martinsville, Danville and Frankfort state road, and for other purposes;

No. 7. An act to amend an act, entitled an act for the location and opening a state road from Logansport, via Turkey creek and Elkhart prairies, to the northern line of the state, in the direction of Pigeon prairie, in Michigan territory, approved Dec. 29, 1830;

No. 8. An act to establish a state road from Madison, in Jefferson county, to Paoli, in Orange county;

No. 9. An act to locate a state road from New Castle, in Henry county, to Munceytown, in Delaware county;

No. 10. An act to repeal an act, entitled an act regulating Medical societies, approved Jan. 30, 1830;

No. 11. An act to provide for the election of a justice of the peace, in the town of St. Omer, and

No. 12. An act for the relief of Moses Mathews.

In which bills of the House, and the amendments proposed to the bill of the Senate, the concurrence of the Senate is requested.

The bills reported for the signature of the President, having been signed, were delivered to the committee on enrolled bills, for presentation to the Governor.

The Senate took into consideration the amendments to their bill, to appropriate part of the 3 per cent. fund, and agreed to the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 14th and 16th amendments, and to the 35th, 36th, 37th, 38th, 40th, 41st and 42d sections of the 19th amendment, and to the 45th section of said 19th amendment, with an amendment. They disagree to the 5th, 13th, 15th, 17th and 18th amendments, and to the 39th section, being part of the 19th amendment.

On motion of Mr. Lemon, the Senate insist on the 1st branch of the 12th amendment, to the bill of the House to incorporate the Ohio and Charlestown turnpike company, and concur in the other amendments of the House, to the amendments of the Senate.

Bills marked No. 1, 7, 9 and 11, were read twice by consent, and severally ordered to a third reading.

The bill to repeal an act, entitled an act regulating Medical societies, approved Jan. 30, 1830, was read.

Mr. Graham moved that said bill be rejected.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Ewing, Farrington, Feeny, Fletcher, Graham, Hanna, Hendricks, Hillis, Logan, Long, Morgan, Pollock, Robb and Wallace—17.

And those who voted in the negative, are

Messrs. Chambers, Clark, Frisbie, Herod, Hoover, Jessup, Lemon, Leviston, M'Carty, and Pennington—10.

So said bill was rejected.

Bills marked 2 and 3, were read twice by consent, and
On motion, laid on the table.

Bill marked No. 6, was read twice by consent, and

On motion of Mr. Jessup, referred to a select committee.

Ordered, That Messrs. Jessup, Givens and Robb, compose said select committee.

Bill marked No. 8, was read twice by consent, and

On motion of Mr. Lemon, referred to a select committee.

Ordered, That Messrs. Lemon, Hillis, Chambers and Graham, compose said committee.

Bill marked No. 12, for the relief of Moses Mathews, was read and passed to a second reading.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendment made by the Senate, to the engrossed bill of the House, to incorporate the Christian college at New Albany, in Floyd county, Indiana.

The Speaker of the House, having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, viz:

An act supplemental to an act, entitled an act for the location of a state road from Wood's ferry, on the east branch of White river, in Lawrence county, to Bloomfield, in Green county, approved Jan. 26, 1832;

An act to establish a state road from John R. Crook's, in Lawrence county, to intersect the Rockport state road, at Mark Trueblood's, in said county;

An act to establish a state road from the Tobacco landing, in Harrison county, by the way of Laconia, to Corydon, in said county, and for other purposes;

An act for the relief of James Chess;

An act to amend an act providing for the erection of a bridge across Rattle Snake creek, in Owen county, and

A joint resolution relative to the public printing.

Which having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

Mr. Fletcher presented the memorial of James Morrison, Ex Secretary of State;

Which was read, and

On motion of the same gentleman, referred to the committee on canals and internal improvements.

Mr. Dumont, from the committee on education, to which was referred a resolution directing an inquiry into the expediency of applying to Congress, for a grant of land, to enable the old counties in this state, to establish county libraries, now reported a joint resolution of the General Assembly, in relation to county libraries;

Which was twice read, and

On motion of Mr. Graham, laid on the table.

Mr. Fletcher from the judiciary committee to which was referred the petition of John Smith and others, citizens of Carroll county, praying an amendment of the law regulating marriages, so as to enable the christian church to perform the marriage ceremony, agreeably to the rules of their church, now reported a bill to amend the act to regulate marriages, approved Feb. 4, 1831;

Which was read twice by consent.

Mr. Pennington moved that the further consideration of said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Farrington, Frisbie, Graham, Hendricks, Herod, Hoover, Logan, Long, M'Carty, Orr and Pennington—12.

And those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Feeny, Fletcher, Givens, Hanna, Hillis, Jessup, Lemon, Morgan, Pollock and Robb—15.

So said bill was not postponed.

On motion of Mr. Lemon, said bill was referred to the same committee of the whole, to which a similar bill had been referred.

Mr. M'Carty, from the judiciary committee, to which had been referred a resolution of the Senate, directing an inquiry into the expediency of amending the law regulating distress for rent, now reported a bill to amend an act, entitled an act regulating distress for rent;

Which was read twice, and

On motion of Mr. Whitcomb, laid on the table.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The Senate proceeded to the orders of the day.

The following bills, viz: of the Senate.

To provide for binding and distributing the acts of Congress deposited in the office of the Secretary of State.

Of the House.

To locate a state road from James Marr's, in Bartholomew county, to Joab Woodruff's, in Johnson county;

For constructing a bridge over Mill creek, in Owen county;

To incorporate the Liberty school society;

A bill of the Senate, fixing the salary of the Adjutant General;

To establish a state road from Bloomington, in Monroe county, by way of Bale's ferry, to Leesville, in Lawrence county, and

A bill to amend the act entitled, an act to incorporate the Richmond, Eaton, and Miami rail road company,

Were severally read a second time and ordered to a third reading.

The following bills, to wit:

To amend an act, entitled an act appropriating a part of the 3 per cent. fund, and for other purposes, approved Feb. 10, 1831, and

A bill for the relief of Andrew M'Coy,

Were read a third time and passed.

A bill supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831,

Was read a third time, and

On motion of Mr. Hillis, recommitted to a select committee, with instructions to amend the same, so that there shall be constructed at least one hundred cells, no less than four feet wide and six and a half feet in length, with suitable grates at both ends of the cells for ventilation, and that the said committee amend said bill, by annexing a limit to the expenses within some reasonable bounds.

Ordered, That Messrs. Hillis, Lemon, Graham, Dumont and Pennington, compose said committee.

A bill of the House, to amend the laws now in force, relative to the Wabash and Erie canal,

Was read a third time.

And on the question, shall the bill pass?

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Feeny, Givens, Graham, Hanna, Hendricks, Herod, Hillis Hoover, Jessup, Leviston, Logan, Long, M'Carty, Pollock and Robb—21.

And those who voted in the negative, are

Messrs. Farrington, Fletcher, Frisbie, Lemon, Morgan, Orr, Pennington and Wallace—8.

So said bill passed.

Ordered, That the House be informed of its passage, and their concurrence requested in said amendments.

Mr. Leviston, from the joint committee on enrolled bills, now reports, that they have, on this day, presented to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act for the relief of Thomas Speed;

An act to incorporate the Christian college at New Albany, in Floyd county, Indiana.

The following message, from the Governor, was delivered by Mr. Maguire:

Mr. PRESIDENT:

A joint resolution, authorizing a subscription for the second volume of Blackford's Reports, which originated in the Senate, has received the approbation and signature of the Governor.

A bill of the House, relative to a certain state road in Rush county,

Was read a third time, and

On motion of Mr. Long, laid on the table.

The Senate now resolved themselves into a committee of the whole, for the purpose of resuming the consideration of a bill establishing a state bank, and after some time occupied therein the committee rose, and Mr. Jessup, their chairman, reported progress and asked leave to sit again.

Which was granted.

And on motion,

The Senate adjourned.

THURSDAY, JANUARY 24, 1833.

The Senate assembled.

Mr. Fletcher, from the judiciary committee, made the following report:

The committee on the judiciary, to which was referred a reso-

tation of the Senate, instructing them to inquire whether any, and if any, what, amendment or explanation may be necessary to the fifth section of an act to license and regulate taverns, approved Feb. 3d, 1832, have had the same under their consideration, and have directed me to report that they deem it inexpedient to make any amendment to said section, and therefore ask to be discharged from a further consideration of the resolution.

Which was read and the committee discharged.

On motion of Mr. Leviston, Mr. Hoover is added to the committee on enrolled bills.

On motion of Mr. Graham, a joint resolution of the General Assembly, relative to county libraries, was taken from the table.

Mr. Lemon, from the select committee, to which had been referred an engrossed bill, to establish a state road from Madison, in Jefferson county, to Paoli, in Orange county, now reported said bill back to the Senate, without amendment;

Whereupon, the same was ordered to a third reading.

On motion of Mr. Robb, a memorial of the General Assembly to the Congress of the United States, on the subject of unproductive sixteenth sections, was taken from the table, amended

On motion of the same gentleman, and ordered to a third reading.

On motion of Mr. Long, an engrossed joint resolution of the House, relative to the removal of the Pension Office, was taken from the table.

Mr. Pennington moved that the further consideration of the same, be postponed until the first Monday in August next.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Farrington, Feeny, Frisbie, Givens, Graham, Hanna, Lemon, Logan, Pennington, Pollock, Robb, Wallace and Whitcomb—16.

And those who voted in the negative, are

Messrs. Blair, Clark, Fletcher, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Long, McCarty, Morgan and Orr—13.

So said joint resolution was thus postponed.

On motion of Mr. Graham, a joint resolution, on the subject of county libraries, was taken from the table.

On motion of Mr. Leviston, the same was amended, by adding to the several counties therein mentioned, the county of Union, no provision having been made for a county library, on the re-location of the county seat of said county.

On motion of Mr. Robb, the resolution was further amended, by adding Dubois, and thus amended, the same was ordered to be engrossed for a third reading.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives recede from their 5th, 15th and 18th, and insist on their 13th and 17th amendments, and on the 39th section, (part of their 19th amendment,) to the engrossed bill of the Senate, to appropriate part of the 3 per cent. fund. They concur in the amendment of the Senate, to the 45th section (part of their 19th amendment) to said bill.

They insist on their disagreement to the first branch, (to wit: the 19th section,) of the 13th amendment, made by the Senate to the engrossed bill of the House, to incorporate the Ohio and Charlestown turnpike company, and have appointed Messrs. Parker and Henley, a committee of free conference on the part of the House, to take into consideration with a similar committee to be appointed on the part of the Senate, the disagreeing vote of the two Houses, upon the subject of said amendment.

The House have passed engrossed bills, originating in the Senate, of the following titles, to wit:

An act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county;

An act to locate a state road from Greensburgh, by way of Hartsville, to Columbus;

An act to provide for the indemnification of persons, through whose lands roads are or may be located;

An act for the relief of Henry Shirly;

An act to declare the post road passing Allensville, in Switzerland county, a state road;

An act to locate a state road from Salem, via Middletown to Orleans, in Orange county;

An act to repeal an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832, and

An act to establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county.

The two first with amendments to each, and the others without amendment.

They have also passed engrossed bills of the House of the following titles:

An act to amend the road law and for other purposes;

An act to authorize and require the seminary trustees of the county of Scott, and the treasurer of the library of said county to loan certain monies within their control;

An act to re-locate so much of the Knightstown state road, as lies between Pendleton, in Madison county, and Strawtown, in Hamilton county;

An act supplemental to an act, entitled an act to amend the act entitled an act to establish a state road from William Connelly's, in Lawrence county, to Green Castle, in Putnam county, approved Feb. 3, 1832;

An act to re-locate a part of the Mauk's ferry state road;

An act to permit Jacob Studybaker and Thomas Thomas, to keep their mills in operation, on the Elkhart river;

An act to amend an act, entitled an act incorporating congressional townships and providing for public schools therein;

An act to establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, by the way of Greenville, in Floyd county, and

An act to locate the Alquina state road.

In which bills of the House, and the several amendments proposed to the bills of the Senate, I am instructed to ask the concurrence of the Senate.

On motion of Mr. Jessup, the Senate continue to insist on their disagreement to the 13th and 17th amendments, and upon the 39th section, being part of the 19th amendment of the House to the engrossed bill of the Senate, to appropriate part of the 3 per cent. fund.

On motion of Mr. Lemon, the Senate insist upon the first branch of their 12th amendment, to the engrossed bill of the House to incorporate the Ohio and Charlestown turnpike company, and that a committee of free conference be appointed to take into consideration the disagreeing votes of the two Houses on the subject of said amendment.

Ordered, That Messrs. Lemon and Logan, be such committee, on the part of the Senate, to act with the committee on the same subject, appointed by the House.

On motion of Mr. Feeny, the Senate concur in the amendments made by the House, to the bill of the Senate to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county.

On motion of Mr. Lemon, a bill of the House, to incorporate a board of trustees for the promotion of schools and education, in

Clark's grant, was taken from the table and ordered to a third reading.

Mr. Fletcher, from the judiciary committee, to which the subject had been referred, now reported a bill declaratory of the powers of notaries public;

Which was read and passed to a second reading.

A bill to amend the road law and for other purposes, originating in the House,

Was read and passed to a second reading.

The following bills of the House, viz:

To re-locate so much of the Knightstown state road as lies between Pendletown, in Madison county, and Strawtown, in Hamilton county;

A bill to authorize and require the seminary trustee of the county of Scott, and the treasurer of the library of said county, to loan certain monies within their control;

A bill supplemental to an act, entitled an act to establish a state road from William Connelly's, in Lawrence county to Green Castle, in Putnam county, approved Feb. 3, 1832, and

A bill to establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, by the way of Greenville, in Floyd county,

Were severally read twice, by consent and ordered to a third reading.

A bill to re-locate a part of the Mauk's ferry state road,
Was read twice, and

On motion of Mr. Pennington, referred to a select committee.

Ordered, That Messrs. Pennington, Herod and Logan, compose said committee.

A bill of the House, to permit Jacob Studybaker and Thomas Thomas, to keep their mills in operation on the Elkhart river, and

A bill to locate the Alquina state road,

Were read, and severally passed to a third reading.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to provide for building school houses in Congressional township No. 17, north of range No. 9, west, in the county of Vermillion;

An act to amend an act, entitled an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved February 3, 1832, and

An act to establish certain state roads therein named,
And find the same truly enrolled.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

A bill of the House, amendatory of the act incorporating congressional townships and providing for public schools therein.

Was read twice by consent, and

On motion of Mr. Whitcomb, referred to the committee on education.

Mr. Whitcomb, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of D. R. Eckels and others, praying for the passage of a memorial to Congress, for the relief of certain purchasers of public lands, have, according to order, had the same under consideration, and have directed me to report herewith, such a memorial in accordance with the prayer of the petitioners, entitled a memorial to the Congress of the United States, on the subject of relinquished lands;

Which was read twice by consent, and ordered to a third reading to-morrow.

The Senate proceeded to the orders of the day.

An engrossed bill of the House, changing the time for holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits, Was read the second time, amended,

On motion of Mr. Pennington, so far as the second circuit was concerned, and

On motion of Mr. Blair, referred to a select committee.

Ordered, That Messrs. Blair, Whitcomb and Leviston, compose said select committee.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, viz:

An act to provide for building school houses in congressional township No. 17, north of range No. 9, west, in the county of Vermillion;

An act to amend an act, entitled an act to prevent useless and expensive applications to the General Assembly, relating to state roads, approved Feb. 3, 1832, and

An act to establish certain state roads therein named.

Said bills having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

The Senate, according to order, now resolved itself into a committee of their whole body, for the purpose of resuming the consideration of a bill to establish a state bank, and after some time occupied therein, the committee rose, and Mr. Morgan, their chairman, reported progress, and asked leave to sit again.

Which was granted.

Mr. Hoover, from the joint committee on enrolled bills, reported that they did, on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to establish certain state roads therein named;

An act to amend an act, entitled an act to prevent useless and expensive applications to the General Assembly, relating to roads, approved Jan. 3, 1832;

An act to provide for building school houses in congressional township No. 17, north of range No. 9, west, in the county of Vermillion.

And on motion,

The Senate adjourned.

FRIDAY, JANUARY 25, 1833.

The Senate assembled.

Mr. Lemon, from the committee of free conference, appointed on yesterday, made the following report:

MR. PRESIDENT:

The committee of free conference, appointed to take into consideration, the disagreeing votes of the two Houses, on the amendment made by the Senate to the engrossed bill of the House, to incorporate the Ohio and Charlestown turnpike company, have, according to order, had the same under consideration, and agree to strike out the 19th section, which section the two Houses disagree on, and substitute the following, in lieu thereof:

Sec. 19. Should the board doing county business for Clark county, at any session, before said road is commenced, so determine, they shall have the power to declare this act null and void, and construct either a clay or stone turnpike road, between the points aforesaid, for which object they may appropriate a part of the 3 per cent. fund, now or hereafter to be allowed to said county of Clark, together with such donations and subscriptions as may be made for that purpose, and in that event, the road shall be free to all persons travelling the same.

Which having been read, was concurred in.

On motion of Mr. Graham, leave of absence is granted to Mr. Jessup, for a few days, on account of the indisposition of his family.

Mr. Farrington presented the petition of John H. Eaton and others, for the improvement of Busseron creek, in the county of Sullivan;

Which was read, and

On motion of the same gentleman, referred to the same select committee, to which a similar subject had been referred.

Mr. Chambers presented the petition of Joel Cloud and others, on the subject of an amendment in the congressional township school law;

Which was read, and

On motion of the same gentleman, referred to the committee on education.

Mr. Fletcher, from the committee on education, made the following report:

The committee on education, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law, that clerks of each circuit court, shall keep all entries and minutes, relating to the seminary funds of the several counties, in a separate book, with an index, referring to each entry therein, have had the same under their consideration, and have directed me to report a bill to amend the act relating to county seminaries, approved Feb. 4, 1831;

Which was read and passed to a second reading.

Mr. Fletcher, from the same committee, now reported a bill to legalize the appraisement and sale of a part of the south east qr. of section sixteen, town 12, north of range 6, east, in Shelby county;

Which was read and passed to a second reading.

Mr. Hendricks, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred the petition of sundry citizens of Putnam county, praying for the re-location of a certain road therein named, have had the subject under consideration, and have instructed me to report, that in their opinion, further legislation on that subject, would be inexpedient at this time, and ask to be discharged from the further consideration of the subject.

Which report was read, and
On motion of Mr. Orr, laid on the table.

Mr. Pennington, from the committee on claims, to which was referred a bill for the relief of Thomas Pogue and others, now reported the same back to the Senate without amendment.

Said bill was ordered to be engrossed for a third reading.

Mr. Ewing, from a select committee, made the following report:

The select committee, to whom was referred the petition of Pierre Gamlin, M. Brouillet and others, in relation to a levee, to preserve the fields below Vincennes from overflowing, in times of high water in the Wabash river, have had the same under consideration, and herewith report a bill to establish a levee from Vincennes to the Grand Coulee.

Which was read twice by consent, and ordered to a third reading.

Mr. Hillis, from the select committee to which was referred the bill supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831, with certain instructions, now reported sundry amendments, in pursuance of said instructions.

Mr. Graham moved to amend the second branch of the amendment reported, by the addition of the following proviso:

Provided however, the above restriction shall not extend to unavoidable expenditures, which may accrue, in erecting a wall around the ground, by this act intended, to be added to the prison yard.

And on the question of amending said report, by the addition of the preceding,

It was carried in the affirmative.

The said bill thus amended was ordered to be engrossed for a reading.

On motion of Mr. Ewing, the Senate resolved itself into a committee of their whole body, for the purpose of resuming the consideration of a bill to establish a state bank, and after some time occupied in the consideration of the same, the committee rose, and Mr. Lemon, their chairman, reported progress and asked leave to sit again.

Which was refused.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

On motion of Mr. Morgan, the vote of the Senate, refusing leave to the committee of the whole, to sit again, on the bank bill, was reconsidered.

And on the question recurring, shall the committee have leave to sit again?

It was carried in the affirmative.

And the Senate again went into committee, and resumed their deliberations on said bill, and after some time occupied therein, the committee rose, and Mr. Lemon, their chairman, reported the same with sundry amendments, in which he asked the concurrence of the Senate.

Mr. Graham moved that said bill be re-committed to a select committee, with instructions to incorporate the amendments reported by the committee.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Fletcher, Frisbie, Givens, Graham, Hanna, Hendricks, Hoover, Lemon, M'Carty, Morgan and Whitcomb—13.

And those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Herod, Hillis, Leviston, Logan, Long, Orr, Pennington, Pollock, Robb and Wallace—15.

So said bill was not re-committed in the manner proposed.

On motion of Mr. Hillis, the question of concurrence in the amendments made in committee, were taken in reference to the same severally.

And on the question, will the Senate concur in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10, 11th and 12th amendments?

It carried in the affirmative, by consent.

And on the question, will the Senate concur in the 13th amendment, which was by striking out of the 15th section, the following words: "and each shall be a body politic and corporate, separate and distinct from each other."

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Fletcher, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, Logan, M'Carty, Morgan, Pennington, Robb and Whitcomb—16.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—12.

So said amendment was concurred in.

The Senate, on motion, concurred in the 14th, 15th and 16th amendments, made in committee, by consent.

The question being propounded, will the Senate concur in the 17th amendment, which was by striking out 12 per cent. and in lieu, inserting 8.

It was decided in the negative.

The 18th amendment was concurred in, by consent.

The question was then propounded, will the Senate concur in the 19th amendment, which was by striking out from the 23d section of the bill, the following words: "in manner as herein provided in the section of this act, and not otherwise.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Fletcher, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, Logan, McCarty, Morgan, Pennington, Robb and Whitcomb—16.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—12.

So said amendments were concurred in.

The 20th and 21st amendments were then concurred in, by consent.

The question was then propounded, will the Senate concur in the 23d amendment of the committee, which was by striking out the 25th section of the bill, which reads as follows:

Sec. 25. For the purpose of enabling the citizens of this state to become interested in this state bank or its branches, without withdrawing their funds from present investment, each individual subscriber over the age of twenty-one years, who has resided one year previous, within this state, and whose business and occupation lies within this state, shall be entitled to a loan for five years, if applied for within ninety days after said bank or branch in which he or she may hold stock, has commenced operations, to the amount of one half of the stock subscribed and secured, on pledging real estate to the satisfaction of the directors, and personal security, to exist and be in force until the directors are satisfied of the perfect safety of the bank or branch claim, which real estate shall be estimated on the same scale as is provided for that offered to secure stock. These loans shall be called permanent loans, on which, interest shall be paid semi-annually, together with ten per centum of the principal. If the drawer, indorser, or person to whom a permanent loan may be made, shall, at the time such loan is made, or at any time thereafter, when the note becomes renewable, be in arrears for stock, such sum, or so much as is required, shall be applied first in the payment of his stock installments.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Fletcher, Frisbie, Givens, Graham, Hanna, Hoover, Lemon, Leviston, Logan, McCarty, Morgan, Pennington, Robb and Whitcomb—17.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Feeny, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—11.

So said amendment was concurred in.

The other amendments were then concurred in, by consent.

Mr. Robb moved that the further consideration of the said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Givens, Lemon, Leviston, Pennington, Robb and Wallace—6.

Those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Fletcher, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Logan, Long, M'Carty, Morgan, Orr, Pollock, and Whitcomb—22.

So said bill was not indefinitely postponed.

Mr. Graham moved that said bill be recommitted to a select committee.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Ewing, Fletcher, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, Logan, M'Carty, Morgan, Pennington, Robb and Whitcomb—16.

And those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—12.

So said bill was re-committed.

Ordered, That Messrs. Graham, Whitcomb, Ewing and Fletcher, compose said select committee.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to provide for the indemnification of persons, through whose lands roads are or may be located;

An act to repeal an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832;

An act to locate a state road from Salem, via Middletown to Orleans, in Orange county;

An act to establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county.

An act for the relief of Henry Shirly;

An act to declare the post road passing Allensville, in Switzerland county, a state road;

An act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county;

An act to locate a state road from Greensburgh, by way of Hartsville, to Columbus;

And find the same truly enrolled.

And on motion,

The Senate adjourned.

SATURDAY, JANUARY 26, 1833.

The Senate assembled.

Mr. Hendricks, from the committee on roads, to which the petition of J. P. Antrim and others, citizens of the town of South Bend had been referred, now reported in conformity with the wishes of said petitioners, an act relative to the Michigan road, and the town of South Bend;

Which was read twice by consent, and ordered to a third reading.

Mr. Morgan, from the military committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution, instructing an inquiry into the expediency of changing the mode of electing field officers, have had the subject under consideration, and have directed me to report that legislation on that subject, would be inexpedient; the committee ask to be discharged from the further consideration of the subject;

Which report was read and laid on the table.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives continue to insist on their 13th and 17th amendments, and on the 39th section, (part of their 19th amendment,) to the engrossed bill of the Senate, to appropriate part of the 3 per cent. fund, and have appointed committees of free conference on their part, to take into consideration, with similar committees, to be appointed on the part of the Senate, the disagreeing votes of the two Houses, on the subject of said amendments. On the first above named amendment, to wit: the 13th, Messrs. Vawter and Davenport; on the second, the 17th, Messrs. Carter of Orange and Levenworth, and on the 3d, 39th section, Messrs. Wooden and Goodbar, have been respectively appointed such committees, on the part of the House.

The House have passed engrossed bills, originating in the Senate, of the following titles, to wit:

An act to authorize the board of commissioners of Knox county to provide for the support of the paupers of said county;

An act to incorporate the Monroe county female seminary;

An act to locate and establish a state road from South Bend, in St. Joseph county, via mouth of Elkhart and the seat of justice of Lagrange county, to the east line of this state, in the direction of Vistula, on Maumee Bay, in the state of Ohio;

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road, between Logansport and Lake Michigan and for other purposes, approved Feb. 2, 1832;

An act to define and establish the boundaries of the counties of Wabash and Miami, and

An act to repeal an act to vacate the town of Owensville.

The first three without, and the last three with amendments to each.

They have also passed engrossed bills and a preamble and joint resolution of the House, entitled as follows, to wit:

An act to amend the existing laws, providing for the election of Representatives in Congress;

An act providing for the location of a state road from Delphi, in Carroll county, to Crawfordsville, in Montgomery county,

An act for the relief of the heirs of Arthur Major;

An act to establish a state road from Mount Pleasant, in Martin county, to Springville, in Lawrence county;

An act to amend an act, entitled an act to incorporate the Lawrenceburgh and Indianapolis rail road company;

An act to re-locate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county;

An act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville, in Floyd county;

An act to provide for the election of a county treasurer;

A preamble and joint resolution in relation to horses lost by the volunteer militia of Indiana;

An act to locate a state road from Andersontown, in Madison county, to Logansport, in Cass county;

An act to amend an act, entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831;

An act for the location of a state road from Fair Play, in Green county, to intersect the Vincennes state road, near Benjamin Stafford's;

An act to locate a state road from Lagrange, in Tippecanoe county, to the state road leading from Williamsport, in Warren county, to Chicago, in the state of Illinois;

An act to vacate Dunkintown, in Sullivan county;

An act amendatory of an act, to incorporate the town of Lawrenceburgh;

An act to provide for the sale of certain lands therein named;

An act to amend an act, entitled an act for the regulation of the state prison, approved Jan. 10, 1831;

An act changing the name of John Meek and others;

An act to locate and establish a state road in Elkhart county, from the Fort Wayne road, near Stephen Stutsman's by the way of the mouth of Elkhart river, to the state line, in the direction of Edwardsburgh, in Michigan territory;

An act to establish a state road from Fairfield, in Franklin county, to West Union, in Fayette county;

An act for the location of a state road;

An act to locate a state road from Delphi to Munceytown, and

An act providing the mode of opening and repairing public roads and highways, in the county of Monroe.

In which bills of the House, and the amendments proposed to the bills of the Senate, I am instructed to ask the concurrence of the Senate.

On motion, the Senate continue to insist on their disagreement to the several amendments proposed by the House to the bill of the Senate, to appropriate part of the 3 per cent. fund, to which they before disagreed, and have appointed Messrs. Beard and Blair, a committee of free conference, in reference to the 13th amendment of the House; Messrs. Chambers and Pennington, a committee of free conference, in reference to the 17th amendment, and Messrs. Orr and Feeny, a committee in reference to the

3d subject of disagreement, that is the 39th section of said bill, said committees to act with their corresponding committees appointed by the House.

On motion of Mr. Lemon, the following resolution was adopted:

Resolved, That the several committees of free conference just appointed, forthwith to take into consideration, the disagreeing votes of the two Houses, on the bill in question, and report to the Senate this day, the result of their conference.

Mr. Robb moved to amend the amendment of the House to the bill of the Senate, entitled an act supplemental to an act to provide for selling the Michigan road lands and to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832, by striking out \$25,000 and in lieu, insert \$15,000.

Which motion was decided in the negative.

On motion of Mr. Pennington, said amendment was amended by causing the said bill, to take effect from and after its passage.

On motion, the Senate concur in the amendments proposed by the House, to the following bills of the Senate, to wit:

An act to define and establish the boundaries of the counties of Wabash and Miami, and

An act to repeal an act to vacate the town of Owensville.

An act to amend an act to incorporate the Lawrenceburgh and Indianapolis rail road company,

Was read twice, and

On motion of Mr. Pollock, referred to a select committee.

Ordered, That Messrs. Pollock, Dumont and Hendricks, compose said committee.

An act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville, in Floyd county,

Was read twice, and

On motion of Mr. Logan, ordered to lie on the table.

A preamble and joint resolution in relation to horses lost by the volunteer militia of Indiana,

Was read twice, and

On motion of Mr. Ewing, referred to a select committee.

Ordered, That Messrs. Ewing and Hillis, be said committee.

An act to locate a state road from Andersontown, in Madison county, to Logansport, in Cass county,

Was read twice, and

On motion of Mr. Long, referred to a select committee.

Ordered, That Messrs. Long, Clark and Leviston, compose said committee.

An act to amend an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831.

Was read twice, and

On motion of Mr. Morgan, referred to the committee on military affairs.

An act amendatory of an act to incorporate the town of Lawrenceburgh,

Was read twice, and

On motion of Mr. Pollock, referred to a select committee.

Ordered, That Messrs. Pollock, Dumont and Hendricks compose said committee.

An act changing the names of John Meek and others,

Was read three times by common consent, and passed.

An act providing the mode of opening and repairing public roads and highways, in the county of Monroe,

Was read twice, and

On motion of Mr. Frisbie, laid on the table.

An engrossed bill of the House, entitled an act for the regulation of the state prison, approved Jan. 10, 1831,

Was read twice by consent.

And on the question, shall the same be read a third time,

Those who voted in the affirmative, are

Messrs. Givens, Hanna, Hillis, Hoover, Lemon, Leviston, Logan, Pollock and Wallace—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Frisbie, Graham, Hendricks, Herod, Long, McCarty, Morgan and Pennington—15.

So said bill was not ordered to a third reading.

The residue of the bills named in the preceding message, from

the House, were severally read twice by common consent, and ordered to a third reading on Monday next.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the report of the committee of free conference, appointed on the part of the two Houses, to take into consideration the disagreeing vote of the two Houses, on the first branch, 12th amendment of the Senate, to the engrossed bill of the House, to incorporate the Ohio and Charlestown turnpike company.

They have adopted the following resolution, viz:

Resolved, That this House will adjourn *sine die*, on Thursday the 31st inst. the Senate concurring therein.

They concur in the 2d, 4th and 8th amendments of the Senate to the engrossed bill of the House, to amend the laws now in force relative to the Wabash and Erie canal, and in the 1st, 3d, 6th, 7th and 9th, of said amendments with an amendment to each, and disagree to the 5th amendment of the Senate.

They have passed an engrossed bill to amend an act, entitled an act to incorporate the town of Madison, approved Feb. 4, 1831.

In which bill and the amendments proposed by the House, to the above mentioned amendments of the Senate, the concurrence of the Senate is requested.

The Senate proceeded to consider the amendments of the House to the amendments of the Senate, to the engrossed bill of the House to amend the laws now in force, relative to the Wabash and Erie canal.

The first amendment of the House to the first amendment of the Senate, to said bill, was concurred in by common consent.

The question was then propounded, will the Senate concur in

the amendment of the House to the 3d amendment of the Senate, which was by striking out, after the word 'commissioners,' in the first line of said amendment, the residue of the same, and in lieu thereof, inserting the following:

"Shall be and they are hereby directed to let out and put under contract the remaining part of the summit section or middle division of the Wabash and Erie canal, at such time or times previous to the first day of June next, as they may deem most conducive to the interest of the state, or so much thereof as the money on hand and that to be contracted for under existing laws, may be sufficient to effect, and the advance payment made on contracts, shall, if demanded by contractors, hereafter be four fifths of the value of the labor actually done, as the same may be estimated by the state Engineer: Provided the canal commissioners may, if they think the interest of the state requires it, retain one half of the amount due contractors, until the work is completed.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Farrington, Hanna, Hendricks, Herod, Hillis Hoover, Logan, M'Carty, Orr and Wallace—12.

And those who voted in the negative, are

Messrs. Chambers, Beard, Dumont, Ewing, Feeny, Frisbie, Givens, Graham, Morgan, Pennington and Robb—11.

So said amendment was concurred in.

The question was then propounded, will the Senate concur in the amendment of the House, to the 6th amendment of the Senate, which was by striking out the same to the end of the 13th line and inserting, in lieu, the following:

From and after the passage of this act, three canal commissioners shall be elected by joint ballot of the General Assembly, to serve for three years, unless sooner removed by joint resolution of the General Assembly, in the manner following, to wit: the person having the highest number of votes, to serve 3 years; the person receiving the next highest number of votes, to serve 2 years, and the person receiving the next highest number of votes, to serve 1 year. Should two or more persons receive the same number of votes, the President of the Senate and the Speaker of the House of Representatives, shall decide by lot, the terms of time they shall serve.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Farrington, Feeny, Hanna, Herod, Hillis, Lemon, Orr, Pollock and Wallace—11.

And those who voted in the negative are,

Messrs. Beard, Chambers, Dumont, Ewing, Frisbie, Givens, Graham, Hendricks, Hoover, Leviston, Logan, Long, McCarty, Morgan, Pennington, Robb and Whitcomb—16.

So said amendment was not concurred in.

The question was then propounded, will the Senate concur in the amendment of the House, to the 7th amendment of the Senate to the said bill, which was, by striking out all after the word 'bids,' in the 4th line, and inserting, in lieu thereof, the following:

Upon which contracts have been consummated, and names of the persons making the same, and all things in relation to the canal and every part thereof, and shall carefully file away all bids which may have been or may hereafter be made, by any person, subject to the inspection of the Legislature; and it shall be their duty to include in their report, the number of purchasers who may have abandoned the lands by them purchased, after the 1st, 2d, 3d, 4th and 5th years, after their entry. When the canal commissioners believe there is a combination between bidders, prejudicial to the state, they shall suspend the sale of such contracts, and proceed to give another notice, and afterwards to sell the same according to such notice; and said commissioners shall embrace, in their report a detailed statement of such proceedings and contracts in their annual report to the General Assembly.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Lemon, Logan, Orr, Pollock and Wallace—14.

And those who voted in the negative, are

Messrs. Chambers, Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Leviston, Long, McCarty, Morgan, Pennington and Robb—13.

So said amendment was concurred in.

The amendment of the House to the 9th amendment of the Senate, was concurred in by consent.

The question was then propounded, will the Senate insist on their fifth amendment to the said bill, to which the House have disagreed.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Clark, Ewing, Frisbie, Givens, Hendricks, Herod, Hillis, Hoover, Leviston, Logan, Long, M'Carty and Morgan—14.

Those who voted in the negative, are

Messrs. Blair, Chambers, Dumont, Farrington, Feeny, Graham, Hanna, Lemon, Orr, Pennington, Pollock, Robb and Wallace—13.

So the Senate insisted on their said amendment.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House, having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, viz:

An act for the relief of Henry Shirly;

An act to locate a state road from Greensburgh, by way of Hartsville, to Columbus;

An act to repeal an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832;

An act to provide for the indemnification of persons, through whose lands roads are or may be located;

An act to establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county.

An act to declare the post road passing Allensville, in Switzerland county, a state road, and

An act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county, and for other purposes.

The House have passed an engrossed bill, originating in the Senate, entitled an act to locate a state road from Green Castle, by the way of Putnamville to Thomas Evan's farm, with an amendment.

They have also passed engrossed bills of the House, of the following titles, to wit:

An act to allow Joseph Morgan, former collector of Pike county, further time to collect any taxes due him;

An act to re-locate part of the Terre Haute state road;

An act to incorporate the Rising Sun insurance company, and

An act to amend an act, entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831.

In which bills of the House and the amendment proposed to the bill of the Senate, the concurrence of the Senate is requested.

Mr. Orr, from the committee of free conference, appointed this morning, made the following report:

The committee of free conference, appointed on the part of the two Houses, to take into consideration the disagreement of the two Houses, on an amendment to the bill appropriating part of the 3 per cent. fund, have agreed to strike out, after the word 'enacted,' in the 39th section, the following words, to wit:

That the sum of four hundred dollars, or so much thereof as may be necessary of the said sum of five hundred dollars, appropriated by the first section of this act, to Putnam county, be and the same is hereby applied, to aid the citizens of said county, to build a bridge across the Big Walnut fork of Eel river, either where the state road from Green Castle to Rockville crosses, or where the road from Green Castle in the direction of Crawfordsville crosses the same, (discretionary with the board doing county business for said county,) and that William E. Talbott, of Putnam county, be and he is hereby appointed commissioner, to superintend the building of said bridge.

And insert the following, in lieu thereof, to wit:

That three hundred dollars, out of the five hundred dollars, appropriated to the county of Putnam, be and the same is hereby appropriated to build a bridge across the Big Walnut fork of Eel river, on the state road leading from Green Castle to Rockville, and that William Edmonson be appointed a commissioner, to superintend the construction of said bridge; and that the further sum of one hundred dollars, out of said five hundred dollars, together with the sum of two hundred dollars, out of the 3 per cent. fund appropriated to said county, by an act, entitled an act to appropriate part of the 3 per cent. fund and for other purposes, approved Feb. 10, 1831, be and the same is hereby appropriated, to build a bridge across said Big Walnut fork, on the state road leading from Green Castle to Crawfordsville, and that William E. Talbott be appointed a commissioner, to superintend the construction of said bridge; Provided that the citizens of said county, shall sub-

scribe and pay to said commissioners respectively, an amount, in addition to the sums herein appropriated, sufficient to enable said commissioners to complete said bridges; Provided also, that said commissioners shall, before entering upon the discharge of their duties, each file a bond with the board doing county business, for the faithful performance of their respective trusts, and shall from time to time, if said board require it, make report of their proceedings, and shall be allowed such compensation for their services, as said board may deem just and reasonable.

Which was read and concurred in.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendment of the Senate to the amendment of the House to the engrossed bill of the Senate, entitled,

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832.

Mr. Blair, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference, appointed on the part of the two Houses, to take into consideration the disagreeing votes in relation to the 13th amendment of the House to the bill appropriating a part of the 3 per cent. fund, have agreed to strike out the 28th section of the bill, and insert the following:

And be it further enacted, That the following sums be appropriated, on so much of the state road leading from Indianapolis to Crawfordsville, as lies between Knightstown, in Marion county, and the crossing of Sugar creek, near Andrew Brackman's, in Montgomery county, viz: out of the 3 per cent. fund, for Hendricks, one hundred dollars, and out of the counties of Marion, Montgomery and Boon, fifty dollars each, to be expended under the direction of Archibald Alexander, who is authorized to draw and expend the same, on qualifying himself, according to the provisions of this act.

Which having been read, was concurred in.

The President laid before the Senate, the following communication, from Calvin Fletcher, Esq. late member of this body:

INDIANAPOLIS, JAN. 26th, 1833.

THE HON. DAVID WALLACE,
President of the Senate:

Having this day resigned my seat in the Senate, I wish you to communicate that fact to the body over which you preside.

In taking leave of the persons with whom I have been so long associated, permit me to express my grateful acknowledgments for the many marks of kindness and liberality, that I have received from the members of the Senate, during our intercourse.

Although my professional and private business would likely have caused me to resign, at the close of the present session, yet the termination of our connection, at this time, has been brought about, by my inability to accede to the wishes of my constituents, in relation to the bill creating a state bank, now under your consideration. Believing that, by the provisions of that bill, what is called the principal bank and branches, will be in effect, separate and independent corporations, such as are not authorized by the provisions of our constitution, and that the permanent loans to stock holders, to the amount of a part of their stock paid or secured, for five years, with a return to the bank of ten per cent. semi-annually, is inexpedient and dangerous, if not unconstitutional; I cannot, therefore, vote for the bill, and finding that a number of the most intelligent of my constituents, differ from me in opinion, and that probably a very large majority of them, desire me to support these provisions of the bank charter, I can pursue no course more in accordance with the spirit of our institutions, than to return to those who gave it, the power which I cannot, in this case, exercise, according to their wishes.

Accept, for yourself and the body over which you preside, the assurances of my esteem and best wishes for their welfare.

CALVIN FLETCHER.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

The Governor has approved and signed an act to amend an act, entitled an act to prevent useless and expensive applications to the General Assembly relative to state roads, approved Feb. 3, 1832, which originated in the Senate.

An engrossed bill of the House of Representatives, to allow Jo-

seph Morgan, former collector of Pike county, further time to collect any taxes due him,

Was read twice, and

On motion of Mr. Robb, referred to a select committee.

Ordered, That Messrs. Robb and Givens, be said committee.

A bill of the House to incorporate the Rising Sun insurance company,

Was read twice, and

On motion of Mr. Pollock, referred to a select committee.

Ordered, That Messrs. Pollock, Dumont and McCarty, compose said committee.

A bill of the House to re-locate part of the Terre Haute state road,

Was read twice, and ordered to a third reading.

On motion of Mr. Lemon, a bill of the House, to amend an act entitled, an act to incorporate the town of Madison, approved Feb. 6, 1831, was taken from the table, amended,

On motion of the same gentlemen, and ordered to a third reading.

Mr. Chambers, from a select committee of free conference, made the following report:

The committee of free conference, on the part of the Senate, to whom was referred the subject of the disagreement of the two Houses, on the bill making certain appropriations of the 3 per cent. fund, report, that they have agreed with the committee on the part of the House of Representatives, that of the five hundred dollars allotted to the county of Orange, from said fund, two hundred and fifty dollars thereof shall be applied in said county, on the main state road leading from Albany to Vincennes, and that John G. Clendennen, be appointed to superintend the application of the same; and that two hundred and fifty dollars thereof, be applied, so far as the same will go, towards building of a bridge across Lost river, in said county, on the state road from the town of Levenworth to Indianapolis, and that Edward Willis be appointed commissioner thereof, to receive the money and to superintend the building of the said bridge;

Which having been read, was concurred in.

The resolution of the House, fixing on Thursday, the 31st inst. for the adjournment of the Legislature, *sine die*, was read, and

On motion, laid on the table.

Mr. Leviston, from the joint committee on enrolled bills, now reported, that they did, on this day, present to his Excellency

the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county, and for other purposes;

An act to declare the post road passing Allensville, in Switzerland county, a state road;

An act to establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county.

An act to provide for the indemnification of persons, through whose lands roads are or may be located;

An act to repeal an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832;

An act to locate a state road from Greensburgh, by way of Hartsville, to Columbus, and

An act for the relief of Henry Shirly.

Mr. Blair, from the select committee, to which had been referred an act changing the time for holding the circuit courts in the first, second, fourth, fifth and sixth judicial circuits, now reported said bill with sundry amendments, which, in reference to the 1st circuit, as follow, to wit:

In the 21st line of the first section, insert 'Wednesday next after the,' before the words, 'first Monday in March.' In the same section, 31st line, after the word 'shall,' strike out these words, 'sit twelve days if the business require it,' and insert the following: 'at the next term of the circuit court, sit ten days if the business require it, and in the county of Vermillion, such court shall, at the next term thereof, sit eight days if the business require it, and thereafter shall sit six days if the business require it.

Which were read and concurred in.

Sundry other amendments were reported, and before taking the question of concurrence,

On motion of Mr. Hendricks, said bill was re-committed to a select committee.

Ordered, That Messrs. Blair, Long and Hendricks, be said committee.

On motion of Mr. Whitcomb, the committee of the whole were discharged from the further consideration of a bill for the encouragement of education.

Mr. Orr moved that the further consideration of said bill be indefinitely postponed.

And on this question,

Those who voted in the affirmative, are

Messrs. Feeny, Givens, Lemon, Logan, Orr, Pollock and Wallace—7.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farington, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Leviston, Long, M'Carty, Morgan, Pennington, Robb and Whitcomb—21.

So said bill was not postponed.

Mr. Feeny moved to amend the said bill, by adding fifty cents, after one dollar, so as to make the sum payable for a dispensation from militia duty, one dollar and fifty cents, instead of one dollar.

And on this question,

Those who voted in the affirmative, are

Messrs. Feeny, Frisbie, Givens, Lemon, Logan, Orr, Pollock, Robb and Wallace—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farington, Hanna, Hendricks, Herod, Hillis, Hoover, Leviston, Long, M'Carty, Morgan, Pennington and Whitcomb—18.

So said bill was not thus amended.

Mr. Dumont moved that the bill be read a third time now.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farington, Hanna, Hendricks, Herod, Hillis, Hoover, Leviston, Long, M'Carty, Pennington and Whitcomb—17.

And those who voted in the negative are,

Messrs. Feeny, Frisbie, Givens, Graham, Lemon, Logan, Orr, Pollock, Robb and Wallace—10.

So said bill was then read a third time and passed.

Mr. Orr moved to amend the title of said bill, by striking out the present one, and inserting the following:

An act to nullify the militia system of Indiana.

Mr. Ewing moved to amend said proposed amendment, by striking out nullify, and in lieu, inserting improve.

Which motion did not prevail.

And on the question, shall the title of said bill be so amended?

Those who voted in the affirmative, are

Messrs. Feeny, Frisbie, Givens, Lemon, Logan, Orr, Pollock, Robb and Wallace—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farington, Hendricks, Herod, Hillis, Hoover, Leviston, Long, M'Carty, Morgan and Whitcomb—16.

So said amendment was not adopted.

On motion of Mr. Pennington, leave of absence is granted to Mr. Logan, for the residue of the session.

Mr. Ewing, from the select committee, to which had been referred an engrossed preamble and joint resolution, in relation to horses lost by the volunteer militia of Indiana, now reported the same back to the Senate, with sundry amendments;

Which were read and concurred in.

Ordered, That said amendments be engrossed and with the joint resolution, read a third time on Monday next.

And on motion,

The Senate adjourned.

MONDAY, JANUARY 28, 1833.

The Senate assembled.

Mr. Frisbie from the committee on the judiciary, to which had been referred the petition of Mary Lane, widow of Daniel C. Lane, now reported a bill for the relief of Mary Lane, widow of Daniel C. Lane, late Treasurer of State;

Which was read twice and ordered to a third reading.

Mr. Frisbie, from the same committee, made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of giving to the probate courts, the assignment of widows dower, have had the subject referred to them, under consideration, and instructed me to report thereon by bill, as follows, to wit:

A bill to amend an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831;

Which was read twice and ordered to a third reading.

Mr. Frisbie, from the same committee, made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the act regulating divorces, as to authorize the associate judges to decree divorces, in all cases in which the presiding judge may have been of counsel, or may be related to either of the parties concerned, have had the subject referred to them by said resolution, under consideration, and instructed me to report thereon by bill, as follows, to wit:

A bill to amend an act, entitled an act regulating divorces, approved Jan. 17, 1831;

Which was read twice and ordered to a third reading.

Mr. Farrington, from the committee on education, made the following report:

The committee on education, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of filling any vacancy that may have occurred in the board of visitors to the Indiana college, by death, resignation or otherwise, have had the same under their consideration, and have directed me to report a joint resolution, entitled a joint resolution relative to the Indiana college;

Which was read twice and ordered to a third reading.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

Mr. PRESIDENT:

The Governor has approved and signed acts of the following titles, which originated in the Senate, viz:

An act for the relief of Henry Shirley;

An act to locate a state road from Greensburgh by way of Hartsville, to Columbus;

An act to repeal an act to locate a state road from New Albany to Lexington, approved Feb. 2, 1832;

An act to provide for the indemnification of persons through whose lands roads are or may be located;

An act to declare the post road passing Allensville, in Switzerland county, a state road;

An act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, in said county, to Lafayette, in Tippecanoe county, and for other purposes, and

An act to establish a state road from the Ohio line, in Union county, to Richmond, in Wayne county.

Mr. Whitcomb, from the committee on education, made the following report:

Mr. PRESIDENT:

The committee on education, to whom was referred certain resolutions of the Senate, instructing them to inquire into the expediency of providing by law, that the inhabitants of congressional townships, have further opportunities to vote on the question of selling their school lands, and of extending the times of leases thereon, to compel the trustees of such townships to take an oath and give bond for the performance of their duties, and for their compensation therefor; to make it the duty of clerks of the first elections for trustees in such townships, to certify the names of the trustees to the school commissioners; and the vote on the question of the sale of the school lands, and to perpetuate the evidence of the election of such trustees; to allow persons separated from their district school house, by impassable streams of water, to participate in the school of an adjoining township, and the school funds of their township; to provide for obtaining sites for school houses; to provide for further opportunities for the inhabitants to decide as to the propriety of supporting schools and erecting school houses; to allow further time to such trustees to district their townships, where they have failed so to do; to require township trustees to give bond for the performance of their duties; to extend the provisions of the school laws over school lands situated without the limits of the township to which they belong; to allow further compensation to school commissioners, and a bill of the Senate to amend an act incorporating congressional town-

ships and providing for public schools therein, approved Feb. 10, 1831, and a resolution of the Senate, instructing such committee to inquire into the expediency of revising and embodying into one act, all the laws now in force, on the subject of township schools and congressional townships, together with all amendments that may be made during the present session of the Legislature, and to publish in pamphlet form copies of said revised laws for the school officers, and a bill of the House to amend an act, entitled an act incorporating congressional townships and providing for public schools therein, have, according to order, had the same under consideration, and having digested and revised all the laws on the above subject, and having incorporated the amendments in relation thereto, which have received the favourable action of either branch of the Legislature, at the present session, the committee have instructed me to report the same, embodied in a bill, entitled a bill incorporating congressional townships and providing for public schools therein;

Which was read twice, by consent, and

On motion of Mr. Whitcomb, laid on the table.

The following message, from the House of Representatives was received by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives concur in the several reports of the committees of free conference appointed on the part of the two Houses, to take into consideration their disagreeing votes, on the subject of the 13th and 17th amendments of the House, to the engrossed bill of the Senate, to appropriate part of the 3 per cent. fund.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House, having signed the following enrolled bills, to wit:

An act to locate a state road from Salem, via Middletown, to Orleans, in Orange county, and

An act to incorporate the Charlestown and Ohio turnpike company;

I am directed to bring them to the Senate, for the signature of their President.

The House concur in the report of the committee of free con-

ference appointed on the part of the two Houses, to take into consideration their disagreeing vote, on the subject of the 39th sec. part of their 19th amendment, proposed by the House to the engrossed bill of the Senate to appropriate a part of the 3 per cent. fund.

The House have passed engrossed bills, &c. of the Senate of the following titles, to wit:

An act to repeal all acts and parts of acts allowing the county commissioners of Dearborn county, to lay an additional tax on said county;

An act supplementary to an act, entitled an act regulating divorces, approved Jan. 17, 1831;

An act to amend an act, entitled an act regulating the practice in suits at law;

An act to amend the act directing the mode of suing out and prosecuting writs of habeas corpus;

An act to provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

An act to establish a state road from Bloomington, in Monroe county, to the great falls of Eel river, and

A memorial and joint resolution of the General Assembly, relative to fractional congressional townships.

The three first with amendments to each, the others without amendment.

They have also passed engrossed bills of the House, entitled as follows:

An act to establish a state road from the town of Michigan, to the town of Jefferson, by the way of Frankfort, in the county of Clinton, in Indiana;

An act to incorporate the county seminary of Posey, and for other purposes;

An act to alter part of the Mooresville and Crawfordsville state road;

An act to locate a state road from Spark's ferry, to Indianapolis;

An act to appropriate part of the 3 per cent. fund, in the county of Morgan;

An act to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes;

An act to establish a state road from Shelbyville, in Shelby county, by the way of Goshen and Newbern, in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mill, in Jennings county, and

An act authorizing any person to remove a fence or building on

his own ground, when he may have found the same to be off of his own land by survey or re-survey.

In which bills of the House and the amendments made to the bills of the Senate, the concurrence of the Senate is requested.

The bills above reported, having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

A bill of the House to establish a state road from the town of Michigan, to the town of Jefferson, by the way of Frankfort, in the county of Clinion, in Indiana,

Was read three times, by common consent and passed.

On motion, the Senate concur in the amendments of the House to the bill of the Senate, entitled an act supplemental to an act regulating divorces, approved Jan. 17, 1831.

A bill of the House to alter part of the Mooresville and Crawfordsville state road,

Was read twice by consent.

On motion of Mr. Jessup, amended and the amendments ordered to be engrossed and with the bill read a third time to-morrow.

The amendments of the House to an act of the Senate, entitled an act regulating the practice in suits at law, were read, and

On motion of Mr. Whitcomb, referred to the committee on the judiciary.

A bill of the House to incorporate the county seminary of Posey and for other purposes,

Was read twice and ordered to a third reading.

On motion, the Senate concur in the amendments of the House, to their bill to repeal all acts and parts of acts, allowing the county commissioner of Dearborn county to lay an additional tax on said county.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Blair, from the select committee to which was referred a bill of the House changing the times of holding circuit courts, in the 1st, 2d, 4th, 5th and 6th judicial circuits, now reported the same with sundry amendments.

Mr. Graham moved to amend one of the said amendments, by

causing the circuit courts, in the county of Scott, to be held on the last Mondays of February and August, instead of the first Mondays in May and November.

Which motion prevailed, and the amendments were so amended.

On motion, the several amendments were concurred in, considered engrossed and the bill read a third time and passed.

The following bills of the House, viz:

To establish a state road from Shelbyville, in Shelby county, by the way of Goshen and Newbern, in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mill in Jennings county, and

A bill authorizing any person to remove a fence or building on his own ground, when he may have found the same to be off of his own land, by survey or re-survey.

Were read twice, and laid on the table.

A bill of the House, to appropriate part of the 3 per cent. fund in the county of Morgan,

Was read and passed to a second reading.

A bill of the House, to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes,

Was read twice, and

On motion of Mr. Lemon, referred to a select committee.

Ordered, That Messrs. Lemon, Graham and Hillis compose said committee.

A bill of the House, entitled an act to locate a state road from Spark's ferry, to Indianapolis,

Was read twice, and

On motion of Mr. Herod, laid on the table.

The following message was received from the House of Representatives, by Mr. Haymond, their Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives insist on their amendment to the 6th amendment made by the Senate, and on their disagreement to the 5th amendment of the Senate, to the engrossed bill of the House, to amend the laws now in force relative to the Wabash and Erie canal.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to authorize the board of commissioners of Knox county, to provide for the support of the paupers of said county;

An act to locate a state road from the South Bend, in St. Joseph county, via mouth of Elkhart and seat of justice of Lagrange county, to the east line of this state, in the direction of Vistula, on Maumee bay, in the state of Ohio, and

An act to authorize the board of commissioners of Knox county to provide for the support of the paupers of said county.

The House have passed an engrossed bill concerning a school section in Tippecanoe county, and

An act to amend an act, entitled an act to regulate the mode of doing county business in the several counties of this state, approved Jan. 19, 1831.

In which bills of the House, I am instructed to ask the concurrence of the Senate.

A bill of the House to amend an act, entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831,

Was read twice by common consent.

On motion of Mr. Frisbie, the same was amended, by adding to the several counties named in said bill, the county of Perry.

And on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Feeny, Frisbie, Givens, Hanna, Jessup, Orr, Pennington, Pollock and Whitcomb—9.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Graham, Hendricks, Herod, Hillis, Hoover, Lemon, Leviston, Long, M'Carty, Robb and Wallace—18.

So said bill did not pass.

The bill of the House, concerning a school section in Tippecanoe county,

Was read twice and ordered to a third reading.

The bills reported in the preceding message, for the signature

of the President, having been signed, were delivered, to the committee on enrolled bills, for presentation to the Governor.

Mr. Ewing moved that the Senate continue to insist on their disagreement to the amendment made by the House to the 6th amendment of the Senate, to the bill of the House, to amend the laws now in force relative to the Wabash and Erie canal.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Ewing, Givens, Graham, Hendricks, Leviston and Robb—8.

And those who voted in the negative, are

Messrs. Blair, Clark, Dumont, Farrington, Feeny, Hanna, Herod, Hillis, Hoover, Jessup, Lemon, Long, M'Carty, Orr, Pennington, Pollock, Wallace and Whitcomb—18.

So the Senate did not insist on their disagreement.

And by consent, the Senate recede from their said disagreement.

Mr. Orr moved that the Senate recede from their 5th amendment to said bill.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Farrington, Feeny, Frisbie, Graham, Hanna, Hendricks, Herod, Lemon, Orr, Pennington, Pollock, Robb, Wallace and Whitcomb—16.

And those who voted in the negative are,

Messrs. Beard, Chambers, Dumont, Ewing, Givens, Hillis, Hoover, Jessup, Leviston, Long and M'Carty—11.

So the Senate receded from their said 5th amendment.

Mr. Robb, from the select committee, to which had been referred a bill of the House, to allow Joseph Morgan, former collector of Pike county, further time to collect any taxes due him, now reported the same to the Senate with an amendment;

Which was read, ordered to be engrossed and with the bill read a third time to-morrow.

Mr. Pollock, from the select committee, to which had been re-

ferred a bill of the House, amendatory of an act to incorporate the town of Lawrenceburgh, now reported the same back to the Senate, without amendment.

Said bill was ordered to a third reading to-morrow.

Mr. Long, from the select committee, to which had been referred a bill of the House to locate a state road from Anderson town, in Madison county, to Logansport, in Cass county, now reported the same with amendments;

Which were concurred in.

Ordered, That the amendments be engrossed and with the bill read a third time to-morrow.

Mr. Leviston, from the joint committee on enrolled bills, reported that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate the Charlestown and Ohio turnpike company;

An act to locate a state road from Salem, via Middletown, to Orleans, in Orange county.

On motion of Mr. Whitcomb, the bill incorporating congressional townships and providing for public schools therein, was taken from the table, amended,

On motion of the same gentleman and of Mr. Orr, in sundry particulars, read a third time and passed.

On motion of Mr. Long, a bill of the House, entitled an act relative to a certain state road in Rush county, was taken from the table.

On motion of Mr. McCarty, the said bill was re-committed to a select committee, with instructions to amend the same, so that a part of the amount of the 3 per cent fund, transferred from the Rushville road, will be \$20, and from the road from Connersville to Raysville and from Andersonville to Shelbyville \$15 each, and that John B. Thompson be appointed a commissioner to expend the money in the most sparsely settled portions of the road in Rush county.

Ordered, That Messrs. McCarty, Long and Henericks, be said committee.

On motion of Mr. Orr, the orders of the day were suspended, and the Senate went into a committee of the whole, for the purpose of taking into consideration a bill supplemental to an act to provide for the erection of a state house, and after some time occupied in the consideration of the same, the committee rose, and

Mr. Pennington, their chairman, reported said bill with sundry amendments.

On motion, the question of concurrence in said amendments, was taken separately.

The first amendment was concurred in by consent.

The question was then propounded, will the Senate concur in the following amendment, by adding to the said bill, sections 1 and 2, as follow, viz:

Sec. 1. That so much of market street, in the town of Indianapolis, as lies between squares numbered 48 and 53, be and the same is hereby vacated, and that the part of said street so vacated, together with square number 48, be and the same is hereby attached to, and shall form a part of the state house square.

Sec. 2. That the commissioners appointed to superintend the erection of a state house, are hereby authorized, if they deem it expedient, to contract with Ithiel Town, for raising the basement story of the state house, any height, not exceeding two feet, higher than is contemplated by the present contract.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Farrington, Feeny, Frisbie, Hanna, Herod, Hillis, Hoover, Jessup, M'Carty, Orr, Robb and Whitcomb—16.

And those who voted in the negative, are

Messrs. Chambers, Ewing, Givens, Graham, Hendricks, Lemon, Leviston, Long and Pennington—9.

So said amendments were concurred in.

The question was then propounded, will the Senate concur in the amendment of the committee, in allowing the Treasurer one fourth per cent. on all loans made by him under this act.

Mr. Robb moved to amend the amendment by striking out one fourth.

Which motion prevailed, and thus amended the amendment was concurred in.

The other amendments were then concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hoover, from the joint committee on enrolled bills, now re-

ported, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to incorporate the Monroe county female seminary;

An act to locate a state road from the South Bend, in St. Joseph county, via the mouth of Elkhart and seat of justice of Lagrange county, to the east line of this state, in the direction of Vistula, on Maumee bay, in the state of Ohio, and

An act to authorize the board of commissioners of Knox county, to provide for the support of the paupers of said county.

And find the same truly enrolled.

Mr. Beard, from the joint committee on enrolled bills, now reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate the Monroe county female seminary;

An act to authorize the board of commissioners of Knox county, to provide for the support of the paupers of said county;

An act to locate a state road from the South Bend, via mouth of Elkhart and seat of justice, in Lagrange county, to the east line of this state, in the direction of Vistula, on Maumee Bay, in the state of Ohio.

And on motion,

The Senate adjourned.

TUESDAY, JANUARY 29, 1838.

The Senate assembled.

Mr. Robb, from the road committee, made the following report:

The committee on roads, to whom was referred a resolution of the Senate, instructing them to inquire whether the mode recently adopted, of appropriating to each county, the portion which it may be entitled to, of the 3 per cent. fund, has not so simplified and diminished the duties required of the Agent of the 3 per cent. fund that the present compensation, is more than a reasonable remuneration for the services of him required, and whether the duties of that office could not be transferred to some other department, where they could be more economically and equally advantage-

ously performed, have had the subject referred, under consideration, and find that the mode recently adopted, of distributing the 3 per cent fund, has so simplified and diminished the duties of the Agent, that the services of him now required, are not equal to more than half the duties, which he had to perform in the year 1826, when his compensation was but 2 per cent. equal to about \$120 00. In the year 1829, the Agent's per centage, was increased to 3 per cent; which, together with the great increase, in the amount of public land, annually sold in this state, has so rapidly increased the Agent's compensation, that for the year 1832, the Agent will receive a compensation exceeding \$620 00 as will more fully and plainly appear, from an examination of the following table, shewing the quantity of public land annually sold in this state, from the year 1825, to the year 1831, both inclusive.

Year.	No. of acres of land sold.	Amount sold for.	Amount of 3 per cent. fund.	Compensation of the Agent of the 3 per cent. fund.
1825	162,270,71	202,838 38	6,085 15	120 70
1826	200,190,72	250,238 40	7,507 15	150 16
1827	209,691,21	262,114 01	7,863 42	157 26
1828	250,812,81	313,516 01	9,405 48	282 16
1829	346,527,51	433,159 38	12,994 75	389 84
1830	476,351,85	595,439 81	17,863 18	535 89
1831	554,436,78	693,045 97	20,791 37	623 74

Thus it is clearly demonstrated, that notwithstanding the duties of the Agent, have been much simplified and greatly diminished, his compensation has been rapidly increasing, so much so, that the compensation for the year 1832, is more than five times that of the year 1826, when there were, perhaps, double the duties to perform. From these circumstances, it is evident, that if the compensation of 1826, was any thing like sufficient, the present compensation must greatly exceed a liberal and fair remuneration for the services at present performed, and your committee are fully persuaded that one or one and a half per cent. commission, or a gross sum, about equal thereto, would hereafter be found an adequate remuneration for the services required, if the 3 per cent. fund be disbursed in future, agreeably to the mode recently adopted, and if the duties were transferred to a different department, they might be equally as advantageously performed, for a less sum.

In accordance with these views, your committee herewith re-

port a bill to reduce the salary of the Agent of the three per cent. fund.

Which was twice read.

Mr. Hillis moved to amend the same, by adding one half per cent. to the compensation of the Agent.

Which motion was decided in the negative.

Mr. Givens moved that said bill lie on the table.

Which motion did not prevail.

Ordered, That said bill be engrossed for a third reading.

Mr. Farrington, from the judiciary committee, made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to which was referred the resolution, instructing them to inquire into the expediency of authorizing by law, the several courts of this state, to adjourn the terms of any of said courts, to some future day, before the next regular term, whenever the prevalence of disease shall prevent the holding of a court at any term thereof; and also to inquire into the expediency of providing by law, that a failure of any court to meet at any term, shall not operate as a discontinuance of the causes docketed in any such court, have had the same under consideration, and directed me to report the following bill, viz:

A bill to authorize the adjournment of circuit courts in certain cases.

Which was read twice, and

On motion of the same gentleman, referred to the judiciary committee.

Mr. Givens, from the select committee, to which had been referred a bill of the House, to re-locate a part of the Martinsville, Danville and Frankfort state road, and for other purposes, now reported that they had amended said bill by striking the same out from the enacting clause, and in lieu thereof, inserting 11 new sections;

Which were read, concurred in, considered engrossed and the bill read a third time and passed.

Mr. McCarty, from the select committee, to which had been referred a bill of the House, relative to a certain state road in Rush county, now reported said bill, amended agreeably to the instructions of the Senate;

Which amendments were concurred in, considered engrossed and the bill read a third time and passed.

Mr. Dumont moved that the resolution of the House fixing the time of adjournment, be taken up.

Which motion prevailed, and

On motion of Mr. Graham, the same was again laid on the table.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the 3d, 6th and 5th amendments of the Senate, to the engrossed bill of the House, changing the times of holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits, to the last named, (to wit: the 5th,) with an amendment, in which the concurrence of the Senate is requested, and disagree to the 1st, 2d and 4th amendments of the Senate to said bill.

Mr. Blair moved that the Senate continue to insist on their 1st amendment to said bill, which was, by allowing to the county of Parke, at their next session, ten days, and to the county of Vermillion eight days.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Farrington, Frisbie, Hendricks, Herod, Hillis, Hoover, Jessup, Leviston, Orr and Pennington—15.

And those who voted in the negative are,

Messrs. Feeny, Givens, Long, McCarty, Pollock, Robb and Wallace—7.

So the Senate continue to insist on their first amendment.

On motion of Mr. Hendricks, the Senate continue to insist on their 4th amendment to said bill.

On motion, the Senate concur in the amendment of the House to the 5th amendment of the Senate to said bill.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed without amendment, an engrossed bill of the Senate, to repeal a part of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831.

Also, engrossed bills of the House, of the following titles, to wit:

An act to amend the act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831:

An act to provide for the disposition of the surplus portion of the 3 per cent. fund, remaining unexpended in the hands of any commissioner;

An act to amend the act relative to crime and punishment, approved Feb. 10, 1831, and

An act to amend an act, entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831.

In which bills of the House, I am instructed to ask the concurrence of the Senate.

A bill of the House to amend the act, entitled an act for opening and repairing roads and highways,

Was read twice by consent.

On motion of Mr. Clark, said bill was amended, by striking out the 2d section thereof, and thus amended, the bill was ordered to a third reading.

A bill of the House, to provide for the disposition of the surplus portion of the 3 per cent. fund, remaining unexpended in the hands of any commissioner,

Was read twice, and

On motion of Mr. Pennington, indefinitely postponed.

A bill of the House to amend an act relative to crime and punishment,

Was read twice, and

On motion of Mr. Hendricks, referred to the same committee of the whole, to which a bill of the Senate has been referred.

A bill of the House, to amend an act, entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831,

Was read twice, and

On motion of Mr. Clark, referred to the judiciary committee.

The Senate proceeded to the orders of the day.

A bill to appropriate part of the 3 per cent. fund, in the county of Morgan,

Was read a second time, and

On motion of Mr. Jessup, laid on the table.

A bill to amend the act relating to county seminaries, approved Feb. 4, 1831.

Was read a second time, and

On motion of Mr. Lemon, laid on the table.

A bill to legalize the apprisement and sale of a part of the south east qr. of section 16, town 12, north of range 6, east, in Shelby county,

Was read the second and third time and passed.

A bill of the House, to amend an act, entitled an act relating to county seminaries,

Was read the second time, and

On motion of Mr. Dumont, laid on the table.

A bill of the House, to amend an act, entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832,

Was read the second time,

On motion of Mr. Farrington, amended, in sundry particulars, read a third time and passed.

A bill of the House for the relief of Moses Matthews,

Was read a second time.

Mr. Frisbie moved that the further consideration of said bill be postponed until the first Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Farrington, Frisbie, Hendricks, Herod, Jessup, Long, McCarty, Orr, Pennington and Wallace—13.

And those who voted in the negative, are

Messrs. Dumont, Feeny, Givens, Hanna, Hillis, Hoover, Lemon, Leviston, Pollock and Robb—10.

So said bill was postponed agreeably to said motion.

A bill declaratory of the powers of votaries public,

Was read the second and third time and passed.

A bill of the House, to locate the Alquina state road,

Was read the second and third time and passed.

A bill of the House, to permit Jacob Studybaker and Thomas Thomas to keep their mills in operation on the Elkhart river,

Was read a second and third time and passed.

The following message, from the Governor, was delivered by Mr. Maguire:

Mr. PRESIDENT:

The Governor has approved and signed acts, entitled as follows, viz:

An act to incorporate the Monroe county female seminary;

An act to locate a state road from the South Bend, in St. Joseph county, via mouth of Elkhart and seat of justice of Lagrange county, to the east line of this state, in the direction of Vistula, on Maumee bay, in the state of Ohio, and

An act to authorize the board of commissioners of Knox county to provide for the support of the paupers of said county.

Which bills originated in the Senate.

A bill of the House to amend the road law, and for other purposes,

Was read a second time.

Mr. Lemon moved that the further consideration of said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Dumont, Farrington, Feeny, Frisbie, Herod. Lemon, Long, McCarty, Orr, Robb and Wallace—12.

And those who voted in the negative, are

Messrs. Blair, Clark, Givens, Hanna, Hendricks, Hillis, Hoover. Jessup, Leviston, Pennington, Pollock and Whitcomb—12.

The Senate being equally divided, Mr. President voted in the affirmative.

So-said bill was postponed indefinitely.

The following bills of the Senate, viz:

A bill supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831;

An act relative to the Michigan road, and the town of South Bend;

An act fixing the salary of the Adjutant General;

An act to provide for binding and distributing the acts of Congress, deposited in the office of the Secretary of State;

An act to establish a state road from Bloomington, in Monroe county, by way of Bales' ferry, to Leesville, in Lawrence county.

And the following joint resolution and memorials, viz:

A joint resolution relative to county libraries;

A memorial to the Congress of the United States, on the subject of relinquished lands, and

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of unproductive sixteenth sections,

Were severally read a third time and passed.

The following bills of the House, viz:

An act to amend an act to incorporate the town of Madison, approved Feb. 6, 1831;

An act for the location of a state road, and

An engrossed preamble and joint resolution in relation to horses lost by the volunteer militia of Indiana,

Were severally read a third time and passed with amendments.

Ordered, That the House be informed of the passage of the bills of the Senate and of their own, and their concurrence requested in the former and in the amendments to the latter.

The following bills of the House, entitled acts, to wit:

To locate a state road from Lagrange, in Tippecanoe county, to the state road leading from Williamsport, in Warren county, to Chicago, in the state of Illinois;

To relocate a part of the Mank's ferry state road;

To establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, by the way of Greenville, in Floyd county;

Supplemental to an act, entitled an act to amend the act entitled an act to establish a state road from William Connelly's, in Lawrence, to Green Castle, in Putnam county, approved Feb. 3, 1832;

To incorporate the liberty school society;

To locate a state road from James Marr's, in Bartholomew county, to Joab Woodruffs, in Johnson county;

Providing for constructing a bridge over Mill creek, in Owen county;

To incorporate a board of trustees for the promotion of schools and education, in Clark's grant;

To establish a state road from Madison, in Jefferson county, to Paoli, in Orange county;

To locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state

road leading from New Albany, to Vincennes, in the direction of Greenville, in Floyd county;

To locate a state road from New Castle, in Henry county, to Munceytown, in Delaware county;

To provide for the election of a justice of the peace in the town of St. Omer;

For the location of a state road from Fair Play, in Green county, to intersect the Vincennes state road, near Benjamin Stafford's, in said county;

To relocate so much of the Knightstown state road as lies between Pendleton, in Madison county, and Strawtown, in Hamilton county;

To establish a state road from Mount Pleasant, in Martin county, to Springfield, in Lawrence county;

To vacate Dunkintown, in Sullivan county;

To amend an act, entitled an act for the location and opening a state road from Logansport, via Turkey creek and Elkhart prairies, to the northern line of the state, in the direction of Pigeon prairie, in Michigan territory;

To authorize and require the seminary trustee of the county of Scott, and the treasurer of the library of said county, to loan certain monies within their control,

Were severally read a third time and passed, without amendment.

The following bills of the Senate, viz:

To amend the act entitled an act to incorporate the Richmond, Eaton and Miami rail road company;

To establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the grand coulee, and

A bill supplemental to an act to provide for the erection of a state house,

Were severally read a third time and passed.

A bill of the House to re-locate part of the Terre Haute state road,

Was read a third time and passed.

Ordered, That the House be informed of the passage of said bills and their concurrence requested in the bills of the Senate.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts, as follows, viz:

An act to repeal all acts and parts of acts allowing the county

commissioners of Dearborn county, to lay an additional tax on said county;

An act supplementary to an act, entitled an act regulating divorces, approved Jan. 17, 1831;

An act to amend the act directing the mode of suing out and prosecuting writs of habeas corpus;

An act to provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

An act to establish a state road from Bloomington, in Monroe county, to the great falls of Eel river;

An act to locate a state road from Green Castle, via Putnamville, to Thomas Evan's farm;

An act to repeal an act, entitled an act to vacate the town of Owensville, approved Jan. 3d, 1829;

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832.

An act to define and establish the boundaries of the counties of Wabash and Miami;

An act changing the name of John Meek and others;

A memorial and joint resolution of the General Assembly, relative to fractional congressional townships;

And have found the same truly enrolled.

A bill for the relief of Mary Lane, widow of Daniel C. Lane, late treasurer of state,

Was read a third time, and

On motion of Mr. Pennington, laid on the table.

A bill to amend an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831,

Was read the third time, and

On motion of Mr. Whitcomb, referred to the judiciary committee.

The following bills of the House, entitled acts to wit:

An act for the relief of the heirs of Arthur Major;

To locate a state road from Delphi to Munceytown;

Authorizing a change in a part of the Munceytown and Logansport state road;

Amendatory of an act to incorporate the town of Lawrenceburgh;

Concerning a school section in Tippecanoe county;

To locate and establish a state road in Elkhart county, from the Fort Wayne road near Stephen Stutsman's, by the way of the

mouth of Elkhart river, to the state line, in the direction of Edwardsburgh, in Michigan territory;

To establish a state road from Fairfield, in Franklin county, to West Union, in Fayette county;

To locate a state road from Andersontown, in Madison county, to Logansport, in Cass county;

To alter part of the Mooresville and Crawfordsville state road;

To allow Joseph Morgan, former collector of Pike county, further time to collect any taxes due him;

To incorporate the county seminary of Posey, and for other purposes;

To quiet certain titles in Mount Vernon, and for the benefit of Thomas Givens,

Were severally read a third time and passed.

A bill of the Senate, to amend an act regulating divorces, approved Jan. 17, 1830,

Was read a third time, and on motion of Mr. Whitcomb, laid on the table.

A joint resolution relative to the Indiana college,

Was read a third time and passed.

Ordered, That the House be informed of the passage of the foregoing, and their concurrence requested in the bills and resolutions of the Senate, and on the amendments made by the Senate to the bills of the House.

On motion of Mr. Pennington, the Senate reconsidered a vote given this morning, postponing indefinitely a bill of the House to amend the road law, and for other purposes.

And the question recurring, shall said bill be indefinitely postponed?

It was decided in the negative.

On motion of Mr. Hoover, said bill was committed to a select committee.

Ordered, That said committee consist of Messrs. Hoover, Long and Beard.

A bill of the House, to provide for the sale of certain lands therein named,

Was read a third time, and

On motion of Mr. Whitcomb, laid on the table.

On motion of Mr. Dumont, a bill of the Senate, relating to county seminaries,

Was taken from the table, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Dumont, Whitcomb and Farrington, compose said committee.

A bill of the House providing for the location of a state road from Dolphi, in Carroll county, to Crawfordsville, in Montgomery county, also

A bill to re-locate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county,

Were severally read a third time and passed.

A bill of the House, to amend the existing laws providing for the election of Representatives in Congress,

Was read a third time, and

On motion of Mr. Whitcomb, laid on the table.

A bill of the House, to provide for the election of a county treasurer,

Was read the third time, and

On motion of Mr. M'Carty, postponed indefinitely.

On motion of Mr. Graham, the orders of the day were suspended, for the purpose of enabling a select committee to report.

Whereupon,

Mr. Graham made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill providing for establishing a state bank and branches, have given the subject all the attention which the advanced period of the session and the short time allowed them, would permit, and now ask leave to report said bill to the Senate with sundry amendments.

The committee have endeavored, without departing from the principles laid down by a majority of the Senate, to harmonize, as far as possible, with the wishes of the friends of the bill in its original form.

They have provided that the state, being the most responsible stockholder, should have a preponderance in the direction of the parent bank, but that the individual stockholders should have a preponderance in the directory of each branch, and that each branch should share its own dividends, reserving an ultimate liability in the bank and branches, in case of the insolvency or failure of either of them. To meet the objections which have been made to limiting the number of branches to five, the committee have inserted a provision, authorizing any subsequent legislature to empower the directors of the parent bank, to locate an additional number of branches, when they deem it expedient, provided the whole number shall not exceed ten.

In order to present the subject to the Senate, in as distinct a form as possible, your committee have embodied the several a-

amendments in connection with the bill referred to them, so as to form but one amendment, and recommend that the bill referred be stricken out from the enacting clause, and the amendment herewith submitted, be inserted in lieu thereof:

Sec. 1. That there shall be and is hereby authorized and established a bank, to be known and styled, "the bank of the state of Indiana," to be located at Indianapolis, with power and authority in the first directors of said bank to locate and establish five branches thereof in the manner herein provided.

Sec. 2. The capital stock of said state bank and branches shall be one million six hundred thousand dollars, in shares of fifty dollars each, one half thereof to be taken by the state, and the other half by individuals or corporations.

Sec. 3. There shall be appointed annually by the Legislature seven directors, and a cashier for the parent bank; and six directors for the parent bank and seven for each branch, shall be elected annually by the stockholders of the same. The directors on the part of the state, shall appoint six directors for each branch, and the directors of each branch shall appoint their president and cashier, and those of the parent bank, their president.

Sec. 4. The directors elected by this Legislature after giving thirty days notice in such newspapers as they select, shall cause books to be opened for the subscription of stock at such places as they may deem expedient under the direction of suitable persons: said books to be kept open between the hours of nine and twelve o'clock, A. M. of each day for thirty days.

Sec. 5. The amount of stock subscribed at each place shall be reported to the directors, and if the sum of eighty thousand dollars shall be subscribed at any one place, they shall appoint two of their number to inquire whether said stock has been subscribed in good faith, and also to examine the security offered by the subscribers under the provisions of this law for the payment of their stock, and if by them deemed sufficient, to make report to the said directors, at least five of whom shall attend, and four shall concur in selecting the sites of the several branches to be established on complying with the terms of this act.

Sec. 6. If on closing the books at any of said places it shall be found that more than eighty thousand dollars has been subscribed to the parent bank, or any one branch thereof, the excess shall be taken first from such as fail to give the required securities, next from such as reside without the state, then from corporations, and should their still be any excess, the same shall be taken in proportion from the subscriptions over five hundred dollars, until the whole amount shall not exceed eighty thousand dollars.

Sec. 7. When any place may be selected as the site of a branch, the directors herein authorized to be elected shall give notice to the subscribers to pay, in specie, upon their stock, three eighths of the amount subscribed, and to secure the residue by note and mortgage on real estate, situated within the state, equal in value, without perishable improvements, to the full amount of stock held by such subscriber without deduction for the payment made; and also to give personal security therefor, to exist and be in force until the directors shall be satisfied that the title to such real estate is good and sufficient, the residue of the stock unpaid shall be paid by the stockholders respectively in ten equal semi-annual instalments, and on failure to pay any of the said instalments, suit may be brought on the notes given therefor, and judgment for the residue of stock unpaid recovered, with eight per cent. damages.— Also the mortgage given to secure the payment of the same may be foreclosed, and the mortgaged premises sold as in other cases.

Sec. 8. As soon as the above provisions are complied with, and the stock shall be paid and secured as aforesaid, the directors appointed by the Legislature as herein directed, shall subscribe on the part of the state for an amount of stock equal to that so taken and secured by individuals and corporations, and shall appoint six directors on the part of the state for such branch, and shall order an election by the stockholders of the same for seven other directors, who shall continue in office until the first of January following, which directors when so elected and appointed, shall meet at their respective branches at such time as the said directors of the state bank shall designate, and after being sworn as herein after directed, receive the books, papers, monies and effects belonging to their respective institutions, giving duplicate receipts, one of which shall be filed with the treasurer of state.

Sec. 9. If it shall be found on closing the subscription books, that the requisite sum has not been subscribed at Indianapolis, the said directors shall establish the parent bank at some other place where the requisite sum has been subscribed, and if the parent bank be established at Indianapolis, it may be changed and established elsewhere for any violation of this charter, or for any cause that would authorize any of the branches to be suspended or declared insolvent as herein after provided, in which case the branch then selected as the parent bank, shall, in all respects be governed as such, and the bank at Indianapolis shall become a branch thereto, and may be regulated accordingly.

Sec. 10. Certificates of stock shall be issued to stockholders, signed by the president and cashier, and be assignable by endorsement under the restrictions herein provided; or such certificate may be surrendered and a new certificate obtained in the name of the proper owner, signed in like manner, and in case of transfer,

The directors may release the mortgage held for such stock and take other property in like manner and under like restrictions therefor, in no case however lessening the security. Stock shall likewise be subject to execution and sale as other personal property, and shall be transferred to the purchaser on the books of the bank on the certificate of the officer selling such stock, but in all cases it shall be subject to a lien in favor of the corporation for all debts bona fide due the same from the owner thereof.

Sec. 11. Said stock shall be transferable on the books of the corporation, except in case of stock sold on execution, only by the owner or his agent or attorney, or by the executors, administrators, trustee or guardian, and shall be attested by the president or cashier; which books shall at all reasonable times during the hours of transacting business be kept open for the examination of any person interested therein. And in case any officer having charge of such book shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit and pay the sum of fifty dollars, to be recovered by the person to whom such refusal shall have been made.

Sec. 12. It shall not be lawful for said bank and branches to take a hypothecation of any stock of said bank or branches as security for any loan or discount made by such corporation, and no person shall be accommodated with a loan while in arrears for stock or for discounts had either on his own account, or as indorser, nor shall any paper of any one pass in bank unless he, she or they pay up arrears to the bank out of the sum asked or loaned.

Sec. 13. Said state bank and branches when located and organized, to be a body corporate and politic, with power to sue and be sued, plead and be impleaded, in any court of law or equity having jurisdiction, and to transact all lawful business herein permitted them to do; but whenever any liability shall be incurred by one of the said branches, and suit is necessary to be commenced therefor, service of process shall be made on the president and cashier of such branch, and on final judgment rendered, if such branch shall fail to satisfy the same within ten days, it shall be the duty of the president and directors appointed by the Legislature as herein, to close such branch, or parent bank, as the case may be, and have the same settled up as insolvent in the manner herein after provided: and all balances that cannot be paid by the effects of such branch, shall be a lien on the state bank and branches, and when ascertained, shall be immediately by them paid.

Sec. 14. The said bank and branches, when organized as aforesaid, shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold, silver, bullion, foreign coins,

and foreign and domestic bills of exchange, by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

Sec. 15. The real estate which it shall be lawful for such bank to purchase, hold and convey, shall be 1st, such as shall be required for its immediate accommodation in the convenient transaction of its business, or 2d, such as shall have been mortgaged to it in good faith by way of security for stock, loans previously contracted, or for monies due; or 3d, such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or 4th, such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts, and the said bank or branches shall not purchase, hold or enjoy real estate in any other case, or for any other purpose. And all such real estate not absolutely necessary for the convenient discharge of its business shall be set up at least once a year at public sale, and shall be sold if the same will bring the amount of the debt, interests and costs for which the same may have been bought, received or taken by the bank.

Sec. 16. In the renewal of notes or other claims in favor of the bank, the securities shall never be lessened.

Sec. 17. If any branch shall be found unprofitable or injurious, it shall be lawful for the president and directors of the state bank to discontinue such branch, and bring its affairs to a close by liquidating the demands against such branch and making such disposition of the funds as the interest of the state and the stockholders may require.

Sec. 18. The bank and branches shall respectively redeem with specie, if demanded, when presented within the usual banking hours, any or all notes issued by such bank or branch, and a failure so to do shall entitle the holder of the note or notes, which shall not have been so paid, to twelve per cent. per annum until payment is made. All deposits shall be paid in current money, or in money equal in value to that deposited at the time the deposit was made, except in cases of special deposit, which shall be paid according to contract. A failure or refusal to pay, in either case when requested thereto in banking hours, shall subject the bank or branches to twelve and a half per cent. on such deposits and interest until paid.

Sec. 19. There shall be no stay of execution on judgments against the bank or a branch thereof, for notes issued, or deposits made therein.

Sec. 20. There shall be no stay of execution on judgments a-

against attorneys, or other collectors, or agents holding money or property belonging to the bank or a branch, and there shall be no property exempt from execution in such cases.

Sec. 21. The bank and each branch, after paying expenses, and reserving a contingent fund, shall make semi-annual dividends among the stockholders of such bank or branch, according to the profits of each, respectively, and the dividend accruing to the stockholders to be carried to the credit of their stock until the same is paid up, after which it shall be paid over to the stockholders.

Sec. 22. The cashier of the parent bank may be removed by the directors for mis-conduct, and they shall appoint some suitable person in his place until another is elected by the Legislature.— The cashiers of the branches shall be appointed by their respective boards of directors. And each cashier shall give bond with freehold securities, in the sum of sixty thousand dollars, to the satisfaction of the directors of the parent bank.

Sec. 23. Said bank and branches shall charge and receive no higher rate of interest than six per centum per annum, but the same may, according to bank rules, be discounted and taken in advance out of the sums loaned.

Sec. 24. The notes issued by the bank and branches shall be signed by the president and cashier of the parent bank, and shall be payable to the order of the cashier or president of the bank or branch at which it is made payable. All the notes shall be of the same plates until otherwise directed by the Legislature, and no note of a less denomination than five dollars shall be issued.

Sec. 25. Each stockholder may at any time pay up his stock, and discharge the mortgage on his real estate.

Sec. 26. The books of said bank and branches shall be open during all business hours, for the inspection of the stockholders.

Sec. 27. That no stockholder shall be entitled to vote for directors, either in person or by proxy, who shall not be a citizen of this state, and, after the first election, who shall not have held his stock for which he votes for three calendar months previous to the day of election; and the number of votes to which stockholders shall be entitled in voting for directors, shall be according to the number of shares he, she or they respectively shall hold, in the proportion following: that is to say, for each and every share not exceeding four shares, one vote; for every two shares above four shares and not exceeding thirty, one vote; for every four shares

above thirty and not exceeding ninety, one vote; for every six shares above ninety and not exceeding one hundred and fifty, one vote; and for every ten shares above one hundred and fifty, one vote. But no person, co-partnership or corporation, shall be entitled to a greater number than one hundred votes. In all elections votes may be given either in person or by proxy, but no person shall vote by proxy more than five hundred votes; and no individual stockholder who shall be a resident of the county where the election is to be held at the time of such election, shall vote by proxy unless in case of unavoidable absence except females or minors.

Sec. 28. That any stockholder owning ten shares in his own right, and not in trust, and being a citizen of the state of Indiana, and none other, may be elected directors by the stockholders, unless such person shall, at the time of such election, be in arrears to said bank or branches, for any instalment due on his stock, or for any debt or demand due said bank or branch, either on his own account or as endorser or security for others; and if during his term of office any director shall so become in arrears, or fail in business, remove from the state or cease to own ten shares of stock, it shall be the duty of the board of directors forthwith to vacate his seat and appoint another in his place, and the act of so vacating his seat shall be conclusive evidence of the justice and necessity of so doing: Provided that no person shall be a director in the parent bank and a branch, or in more than one branch at the same time; nor shall two partners be at the same time directors of the same bank or branch. And provided, that the qualification of being a stockholder, shall not be requisite for the directors elected or appointed on behalf of the state, for said bank or branches.

Sec. 29. Before entering upon the duties of his office, each director and cashier shall, before some person authorized to administer oaths, be qualified to the faithful, impartial and diligent discharge of his duty as director or cashier, (as the case may be,) which oath, and the certificate thereof shall be entered upon the minute book of such bank or branch. The first directors shall hold their offices until the first of January next, and all directors thereafter shall be elected annually and hold their offices until their successors are chosen and qualified.

Sec. 30. No director chosen by the General Assembly as aforesaid shall be elected more than twice in three years, and no director shall receive compensation for his ordinary services at bank except the President.

Sec. 31. Not less than eight directors of whom the president shall be one, shall constitute a board for the transaction of busi-

ness: Provided that in case of the sickness or necessary absence of the President, his place may be supplied for the time being, by any other director whom the board may appoint.

Sec. 32. The president and directors shall appoint all officers not otherwise provided for, and fix the compensation for services to be rendered.

Sec. 33. The directors for the time being, shall have power to make and prescribe such by-laws, rules and regulations as they shall deem needful, touching 1st, the government of their respective institutions, and the management and disposition of its stock, business, property, estate and effects. 2d, the time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same. 3d, the duties and conduct of the officers, clerks and servants employed by the same; and 4th, all such matters as may appertain to the concerns of said institution: Provided that they shall not be authorized to expend more than four thousand dollars for lots and appropriate buildings to accommodate their business, at any one place.

Sec. 34. The president and directors appointed as herein, by the Legislature, shall make such rules, regulations and restrictions for the government of the bank and branches as they shall deem expedient. They shall depute one of their body at least once a year to inspect the situation of the bank and branches, and examine carefully whether they have violated any part of this charter, and whether the business of the branches is safely and fairly conducted; and they may at any time remove any of the branch directors appointed on behalf of the state, and substitute others, and they may direct the suspension of loans and discounts whenever in their opinion the situation of the bank or a branch shall require it, and if the parent bank or any branch, shall be unable to pay its liabilities, they may immediately close the same and appoint a receiver to collect and dispose of its effects as speedily as possible, and pay off all demands against it; and if a balance remain in favor of said branch, it shall be divided amongst the stockholders thereof according to the amounts respectively paid, and if there be not sufficient effects to pay the liabilities of such branch, the said directors shall apportion the amount to be paid by the parent bank and branches, and the same shall be paid immediately.

Sec. 35. The cashiers of the several branches shall make monthly reports to the directors of the parent bank, setting forth a full statement of their business, situation and condition, in the manner prescribed on the part of the state, directors verified by the oaths of the cashier, and an exhibit of such returns, and also of the condition of the parent bank, shall be made monthly, by its cashier,

to the several branches, and all these returns shall be annually submitted to a committee of the Legislature: and an abstract thereof, sworn to by the president and cashier of the parent bank, shall be submitted to the General Assembly the first week of their session.

Sec. 36. The president, directors and cashier for the time being shall not be permitted to endorse for each other, nor shall they vote on questions in which they are interested.

Sec. 37. In acting upon every application for a loan or discount, not less than seven directors, with the president, shall be present, and to grant the same, three fourths of the voices shall concur, and so in proportion to the number; and the ayes and noes shall at the time be entered on record by the cashier on the minutes of the board, and whenever any board of directors shall cause the issuing of any paper, or incurring of any debt or responsibility on behalf of the bank, or on any branch, as the case may be, which the said bank or branch shall not be able to pay and discharge, such president and directors, shall be liable jointly and severally for the same in their private capacities, and an action of debt may in such case be brought against them or any of them, their, or any of their heirs, executors or administrators, in any court of record by any creditor or creditors of such corporation, or by the corporation itself, or any stockholder thereof, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. Such of said directors as were absent when said debt or responsibility was contracted, or who dissented from the resolution or act, whereby the same was contracted or created, may respectively exonerate themselves from being so liable by giving notice of the fact when informed thereof, and of their absence or dissent forthwith to the president of the state bank, whose duty it shall be to cause the same to be recorded.

Sec. 38. The stock of said bank and branches shall not be taxed.

Sec. 39. No sale or forfeiture for taxes accruing on any land previously mortgaged to said bank, shall operate to prevent the bank from redeeming the same on payment of taxes, costs and legal interest, if said land shall become the property of the bank.

Sec. 40. For the purpose of providing funds on the part of the state to pay her subscription to the bank and branches herein contemplated, the canal fund commissioners are hereby authorized and appointed, under the discretion of the state directors in the fourth section of this act mentioned, agents to contract a loan on the part of this state of eight hundred thousand dollars, or so much thereof as may be required for the purposes in this act contempla-

ted, at a rate of interest not exceeding five per cent. per annuo, redeemable after twenty-five, and within thirty years, at the pleasure of the state, for the payment of which, and the interest thereon, the faith of the state, is hereby irrevocably pledged, and to issue bonds payable to order or bearer, signed by the president of the state bank, and countersigned by the secretary of state, whose duty it shall be to attest the same and affix the seal of the state thereto. Said bonds to be so negotiated as not to be on interest until the money shall be required for the bank and such branches as may be established under this act. The interest to be paid at such times, and with the principal, at such place as may be agreed upon with the contractors.

Sec. 41. The said fund commissioners shall contract on the best terms to be had, for the engraving and printing of the notes for said bank and branches, to double the amount of the capital subscribed for, and shall deliver to the bank and branches when demanded, paper to double the amount of the capital paid in, and no more. The rest and residue of said unsigned paper to be deposited by them with the treasurer of state to be by him safely and carefully taken care of, and shall take the receipt of said treasurer for said paper, which shall be filed with the auditor of public accounts; and the treasurer of state shall from time to time hand over said paper to the bank and branches as fast as the stock instalments shall fall due and be paid in, in the proportion of two dollars to each dollar paid in; he to be fully satisfied of the amount of the instalments so actually paid in.

Sec. 42. The expense in procuring said paper to be paid for by the bank and branches, respectively, in proportion to their capital stock.

Sec. 43. The fund commissioners aforesaid shall purchase for the use of said bank and of each branch thereof which may be established under the provisions of this act, at a cost not exceeding two hundred dollars, an iron chest for the use of such bank and branches.

Sec. 44. The said fund commissioners shall be entitled to receive for the services herein required of them the same compensation as the commissioners of the canal fund, and also their expenses, to be paid by said corporations in proportion to their capital stock.

Sec. 45. If at any time it may be found expedient by the Legislature to increase the amount of stock by subscriptions from individuals, or capital furnished by the state, it shall be lawful so to do, and to authorize the procuring and emission of paper to twice the amount of such additional stock and capital, and they may also make the college funds, the township school fund, and the funds arising from salt lick reserves, a part of said capital.

Sec. 46. It shall be the duty of the treasurer of state, to visit and thoroughly inspect the condition and all the affairs of the parent bank at Indianapolis, and relatively at the branches as by them reported, in the months of November of each and every year: with power to examine upon oath, which he is hereby personally authorized to administer, the officers, servants or agents of said corporation, or any other person in relation to the same. And he shall make report to the next General Assembly, without disclosing therein, the name of any of the debtors to said institution, or any information obtained by such examination, except such as is necessary to be known for useful purposes to the Legislature, to show the actual condition of said bank and branches, by ascertaining the situation of their joint and several accounts with each other, and in relation to each; the amount of available funds on hand, designating each kind; the amount of notes discounted; the amount of bills of exchange; the amount and condition of the surplus fund; the amount of notes in circulation; the number of officers and servants, and the amount of compensation to each; the amount of rents paid, if any; the value of houses used for banking purposes; the value of other real estate, and whether the same has been regularly offered for sale, as by this act required, and such other matters as shall by him be deemed material and important.

Sec. 47. Every officer, agent or clerk of said bank or branches, who shall knowingly and wilfully, make false statements or false entries in the books of such corporations, or shall wilfully and knowingly, exhibit false papers with intent to deceive said examiner, as to the condition of said corporation, or shall make false reports as herein required, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the state prison, for such term of years as the jury trying the case, may think proper; and likewise any state officer or bank director, wilfully and knowingly, making any false report, required of him by this act, shall be deemed guilty of felony, and subjected to like penalties.

Sec. 48. The profits arising after payment of expenses, shall be divided between the state and the other stockholders in proportion to the amount actually paid by each. So much of the dividends accruing to the state as may be required, shall be applied to the payment of the interest of the state loan and the residue, unless otherwise directed by the Legislature, shall be deposited in the bank and branches where it was realized, for further banking operations, on an interest of five per cent. per annum, to be paid to the state by the bank.

Sec. 49. Directors appointed by the stockholders, as well as those appointed on behalf of the state, shall fill any vacancies occurring in their respective numbers between the periods of their annual election.

Sec. 50. The Legislature may hereafter authorize and require the state bank directors to increase the branches, not exceeding ten in all; and they may hereafter adopt such measures as shall be thought expedient to enable the branches to ascertain the true situation of the parent bank, and also of the other branches, and to take such other measures as good policy may require to guard against any loss by the misconduct of the officers of the parent bank, and any of the branches, and the Legislature may also provide for a summary mode of settling up the affairs of delinquent branches, and for proceeding against directors and others, who may mis-manage the concerns of the institution.

Sec. 51. It shall be lawful for the Legislature hereafter to make such further amendments and alterations to this charter as may be thought necessary on the application and with the consent of a majority of the board of directors who may be in existence at the time under this act.

Sec. 52. The corporation hereby created shall continue as such for twenty-seven years from the first of January, one thousand eight hundred and thirty-three, and no longer: Provided, that during the two last years of said time, said corporation shall not undertake or transact any new business, but shall confine their operations to closing their affairs.

This act to continue in force from its passage.

Mr. Robb moved to amend the 2d section, by inserting at the end of the section, the following:

And each and every individual and corporation, holding stock in said bank, shall be and they are hereby made liable in their individual and corporate capacity, to the amount of the stock by them respectively held in said bank, for debt or debts contracted by the bank during the time such individual or corporation shall have been a stockholder; and the state of Indiana to the amount of the stock in said bank, held by the state, shall, in like manner, be responsible for the debts contracted or responsibilities incurred by the bank.

And on the question, shall the amendment be amended in the manner proposed.

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Farrington, Feeny, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Lemon, Leviston, Long, Orr, Pennington, Robb, Wallace and Whitcomb
—21.

And those who voted in the negative, are

Messrs. Dumont, Feeny, Graham, Jessup, M'Carty and Pollock—6.

So said amendment was adopted.

Mr. Robb moved to amend the 12th section of the amendment by annexing to the same, the following:

“And the amount thus obtained from the bank, shall in no case exceed the amount of arrears so paid up.”

Which motion was decided in the negative.

On motion of Mr. Dumont, the 39th section of the amendment was amended by inserting after the word ‘sale,’ ‘or forfeiture.’

Mr. Dumont moved further to amend said amendment, by striking out from the 20th section, the following:

“And there shall be no property exempt from execution in such cases.”

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Clark, Dumont, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Long, M'Carty, Pennington and Robb—16.

And those who voted in the negative, are

Messrs. Blair, Chambers, Ewing, Farrington, Feeny, Frisbie, Graham, Orr, Pollock, Wallace and Whitcomb—11.

So said amendment was thus amended.

Mr. Whitcomb moved to recommit said bill to the same committee who had reported the preceding amendment.

Mr. Hillis moved that said bill and amendment lie on the table.

And before taking the question on Mr. Whitcomb's motion,

The Senate adjourned.

WEDNESDAY, JANUARY 30, 1833.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk.

MR. PRESIDENT:

The House of Representatives insist on their disagreement to the 1st, 2d and 4th amendments of the Senate, to the engrossed bill of the House, changing the time for holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits.

On the two first named amendments, Messrs. Bryant and Prutt, and on the said 4th amendment, Messrs Bell and Davenport have been respectively appointed on the part of the House, committees of free conference, to take into consideration, with similar committees to be appointed by the Senate, the above disagreeing votes of the two Houses.

On motion, the Senate continue to insist on their amendments to said bill, to which the House have disagreed, and appoint Messrs Blair and Beard a committee of free conference, on the subject of the 1st and 2d amendments, and Messrs. Hendricks and Lemon a committee of free conference, on the subject of the 4th amendment to said bill.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed enrolled bills, &c. I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to repeal an act, entitled an act to vacate the town of Owensville, approved Jan. 3d, 1829;

An act supplementary to an act, entitled an act regulating divorces, approved Jan. 17, 1831;

An act to establish a state road from Bloomington, in Monroe county, to the great falls of Eel river;

An act to define and establish the boundaries of the counties of Wabash and Miami;

A memorial and joint resolution of the General Assembly, relative to fractional congressional townships;

An act changing the name of John Moeck and others;

An act to repeal all acts and parts of acts allowing the county commissioners of Dearborn county, to lay an additional tax on said county;

An act to provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

An act to amend the act directing the mode of suing out and prosecuting writs of habeas corpus, approved Jan. 12, 1828;

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832, and

An act to locate a state road from Green Castle, via Putnamville, to Thomas Evan's farm;

The House concur in all the amendments made by the Senate to the engrossed bill of the House, to re-locate a part of the Martinsville, Danville and Frankfort state road, and for other purposes, except the 6th, to which amendment they disagree.

They have passed engrossed bills, &c. of the Senate, of the following titles, to wit:

An act to incorporate congressional townships, and providing for public schools therein;

An act for the encouragement of education;

An act supplemental to the act, entitled an act to establish a state road from the county seat of Grant to the county seat of Elkhart county;

An act to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10. 1831;

A joint resolution authorizing the purchase of a complete set of Niles' Register, and a subscription for the future numbers of the Register;

An act to authorize the Governor to commence suits in the Dearborn circuit court, for the recovery of the possession and title to certain lands belonging to the state, and

An act to amend the act to provide for electing county and township officers, approved Jan. 30, 1831.

The first four with, and the last two without amendment.

They have also passed engrossed bills of the House, entitled acts, as follows:

An act to amend an act respecting the Agent of the three per cent. fund;

An act making general appropriations for the year 1833;

An act to establish a state road from Frankfort to a point on the Michigan road, and for other purposes;

An act to locate a state road from Centreville, in Wayne county, to a certain point, in Henry county;

An act to locate a state road therein named;

An act to authorize the expenditure of the 3 per cent. fund heretofore appropriated to the county of Adams;

A joint resolution of the General Assembly for the benefit of state debtors;

An act to permit the commissioners of Sullivan county, to levy a tax on wooden clocks;

An act to locate a state road from Frenchtown, in Warren county, to Lusk's mill, in Parke county, and

An act to incorporate a company to build a bridge across the St. Joseph river, at the South Bend.

In which bills of the House and the amendments to the aforesaid bills of the Senate, I am instructed to ask the concurrence of the Senate.

On motion of Mr. Jessup, the Senate rescind from their amendments to a bill of the House, to relocate part of the Martinsville, Danville and Frankfort state road, and for other purposes.

The Senate proceeded to consider the amendments proposed by the House, to the engrossed bill of the Senate, entitled an act incorporating congressional townships and providing for public schools therein.

Mr. Givens moved to concur in the 1st amendment of the House to said bill with the following amendment, by striking out the 1st day of October, and inserting the 1st day of May.

Which motion did not prevail.

The first amendment of the House was then concurred in, and also the 2d and 4th.

The 3d amendment was disagreed to.

On motion of Mr. Hanna, the Senate concur in the amendments of the House to the bill of the Senate, entitled an act supplemental to the act, entitled an act to establish a state road from the county seat of Grant, to the county seat of Elkhart county, with the following amendment, by causing the title to read as follows.

An act to establish a state road from the county seat of Grant, to the county seat of Elkhart.

On motion, the Senate concur in the 1st, 2d and 3d amendments proposed by the House to the bill of the Senate, entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, and disagree to the 4th amendment proposed to said bill.

On motion, the Senate concur in the amendment of the House, to the joint resolution of the Senate, authorizing the purchase of a complete set of Niles' Register, and a subscription for the future numbers of the same.

Mr. Whitcomb moved that the rules of the Senate be dispens-

ed with, in order to take up a bill of the Senate, entitled an act to provide an executive officer of the supreme court.

Which motion prevailed, and

On motion of the same gentleman, the committee of the whole were discharged from the further consideration of said bill.

Said bill was then read a third time and passed.

On motion of Mr. Clark, the message of the House, was, for the present, laid on the table.

Mr. Ewing from the canal committee, made the following report:

The committee on canals and internal improvements, to whom was referred the memorial of James Morrison, late Secretary of State, praying for an annual allowance from the canal fund of fifty dollars, granted to that officer, by the 9th section of the act, entitled an act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana, approved Jan. 28, 1820, and as matter of favor, for half the allowance provided in said act, to be paid by the patentee, on account of eighty three patents left by him, in the office of Secretary of State, ready to be delivered to purchasers of canal lands, have had the same under consideration, and report, that the salary claimed under the act aforesaid, was intended to be repealed, by a change approved in 1831; but as there exists an evident omission, the incongruity is waved and the claim allowed. That no claim for patents prepared and yet in the Secretary's office, can, with any propriety be granted, as valid against the canal fund; therefore it is inexpedient to make any provision, for that matter. To provide for the case as it now presents itself, your committee recommend the adoption of the bill herewith reported, entitled a bill in relation to the Secretary and Treasurer of State, and for other purposes.

Said bill was read twice by consent, and ordered to a third reading.

Mr. Hendricks, from the committee on roads, made the following report:

MR. PRESIDENT:

The standing committee on roads, to which was referred the reports made by the Agent of the 3 per cent. fund, have had the same under consideration, and have directed me to report, that they have examined said report, and compared the same with the books of said Agent and find them fully to agree; have also examined the vouchers for the several items charged, and find the same correct. Your committee, upon examination of the books, vouch-

ers and every thing pertaining to said Agent's office, are happy in being able to state, that the same are kept in a clear and satisfactory manner, and such as reflects credit on the officer having charge of the same.

Your committee respectfully request to be discharged from the further consideration or investigation of the above subject.

Which having been read, the committee was discharged.

Mr. Pollock, from the select committee to which had been referred a bill to amend the act, entitled an act to incorporate the Lawrenceburgh and Indianapolis rail road company, now reported said bill with a recommendation from said committee, that the further consideration of the same, be indefinitely postponed; and

On motion, the said bill was postponed accordingly.

Mr. Dumont, from the select committee to which had been referred a bill to amend the act, relating to county seminaries, now reported the same with sundry amendments.

Which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hoover, from the select committee to which was referred a bill of the House, to amend the road law, and for other purposes, now reported the same with sundry amendments.

Which were read and concurred in.

Ordered, That said amendments be engrossed, and with the bill read a third time to-morrow.

Mr. Dumont moved to take up a resolution of the House, fixing on Thursday next, as the time of adjournment.

And on the question, shall the resolution be taken from the table?

Those who voted in the affirmative, are

Messrs. Dumont, Farrington, Lemon, Leviston, Pollock, Robb and Wallace—7.

And those who voted in the negative are,

Messrs. Blair, Chambers, Clark, Ewing, Feeny, Frisbie, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Long, M'Carty, Orr, Pennington and Whitcomb—19.

So said resolution was not taken up.

Mr. Ewing, on leave granted, introduced a bill to apportion and secure the collection of the debt due the state, by the late Julius Johnson;

Which was read twice, and

On motion of the same gentleman, referred to a select committee.

Ordered, That Messrs. Ewing, Farrington and Jessup, compose said committee.

Mr. Hillis moved that the Senate proceed to consider a bill of the House, entitled an act to establish a state bank.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock, Robb and Wallace—14.

And those who voted in the negative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston McCarty, Pennington and Whitcomb—12.

So said bill was taken into consideration.

Mr. Farrington moved that said bill be amended in the following manner:

In the first section, by striking out 9 and inserting 5.

By striking out the 3d section of said bill, and the words district or districts whenever they occur in said bill, and by adding to the 11th section of said bill, the following:

The stockholders in said bank and branches, shall, in their private and individual capacities, be liable jointly and severally, for the debts of the bank or branches, in which they hold stock, to the amount of stock held by them respectively therein, at the time such debts were created; and the state shall, in like manner, be liable for the debts of said bank and branches, to the amount of stock held by her in each.

Mr. Graham moved to amend said proposed amendment by striking out therefrom, so much as makes the state liable.

And on this motion, Mr. Graham voted in the affirmative, and all the other Senators present, in the negative.

So said motion did not prevail.

And the proposed amendments of Mr. Farrington, were adopted.

Mr. Robb proposed to amend said bill, by striking out the 51st section, and in lieu, inserting the following;

That the capital stock of said bank and all the branches thereof, belonging to individuals and corporations, shall annually pay a

tax of one half per centum per annum, on the amount thereof, which shall be assessed, collected and paid into the state treasury in such manner as the General Assembly may hereafter provide.

A division of the question being called for, the question was put on striking out the 51st section.

And on this question, .

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—13.

And those who voted in the negative are,

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock, and Wallace—14.

So said section was not stricken out.

On motion of Mr. Hillis, said bill was amended by adding thereto, the following section:

Sec. No director in any corporation shall be a director in either the bank or branches.

Mr. Graham moved to strike out the 25th section of said bill, which reads as follows:

Sec. 25. For the purpose of enabling the citizens of this state to become interested in the state bank or its branches, without withdrawing their funds from present investment, each individual subscriber over the age of twenty-one years, who has resided one year previous, within this state, and whose business and occupation lies within this state, shall be entitled to a loan for five years, if applied for within ninety days after said bank or branch in which he or she may hold stock, has commenced operations, to the amount of one half of the stock subscribed and secured, on pledging real estate to the satisfaction of the directors, and personal security, to exist and be in force until the directors are satisfied of the perfect safety of the bank or branch claim, which real estate shall be estimated on the same scale as is provided for that offered to secure stock. These loans shall be called permanent loans, on which, interest shall be paid semi-annually, together with ten per centum of the principal. If the drawer, indorser or person to whom a permanent loan may be made, shall, at the time such loan is made, or at any time thereafter when the note becomes renewable, be in arrears for stock, such sum, or so much as is required, shall be applied first in the payment of his stock instalments.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—14.

And those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis Long, Orr, Pollock and Wallace—13.

So said section was stricken out.

Mr. Ewing moved to amend the bill, by annexing to the 49th section thereof, the following:

Whenever any board of directors shall cause the issuing of any paper, or the incurring of any debt or responsibility, on behalf of the bank or branch bank, as the case may be, which the said bank or branch bank, shall not be able to pay and discharge, such president and directors shall be liable jointly and severally out of their private property, for the amount of such paper, debt or responsibility, unless any such president or director shall make it appear that he did not vote for the issue of such paper, or the incurring such debt or responsibility.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—12.

Those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long, Orr, Pollock and Wallace—15.

So said amendment was not adopted.

Mr. Jessup moved to amend the 20th section of said bill, by striking out 12 per cent. and in lieu, insert 20 per cent.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Dumont, Ewing, Frisbie, Graham, Givens, Hoover, Jessup, Lemon, Leviston, Pennington and Robb—12.

And those who voted in the negative, are

Messrs. Beard, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, M'Carty, Orr, Pollock, Wallace and Whitcomb—15.

So said amendment was not adopted.

Mr. Robb moved further to amend said bill, in the 53d section thereof, by striking out "commissioners of the canal fund," and in lieu, inserting "a commissioner to be elected by joint ballot of both Houses of the General Assembly."

A division of the question being called for, the question was propounded, will the Senate strike out "commissioners of the canal fund?"

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty Pennington and Robb—11.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long, Orr, Pollock, Wallace and Whitcomb—16.

So said words were not stricken out.

Mr. Ewing moved to amend said bill by striking out the 68th section, which reads as follows:

Sec. 68. The corporations hereby created, shall continue as such for twenty-seven years, from the first day of January, 1833, and no longer: Provided, that during the two last years of said term, the said corporations shall not undertake or transact any new business but shall confine their operations to closing up their affairs.

And in lieu, insert the following:

Sec. This act, with the essential banking privileges, which it creates, shall continue in force for thirty years, from the first Monday in January, 1833: Provided however, that if it shall appear to the satisfaction of any future General Assembly, that the power therein granted, is or would become injurious to the general interests involved, the power to amend the same, is hereby distinctly reserved, and also the power to prescribe and revise all rules and regulations adopted from time to time by the directors, for the government of its affairs, as may be deemed meet and

proper, not inconsistent with fundamental principles now approved.

A division of the question being called for, the question was taken on striking out the 68th section.

And on this question,

Those who voted in the affirmative, are

Messrs. Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—12.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—15.

So said section was not stricken out.

Mr. Whitcomb moved to amend the bill, by inserting an additional section, as follows:

Sec. The said bank and every branch thereof, shall be collectively and immediately liable for the defalcation or liability of said bank or of any branch thereof: Provided however, that said bank and any branch thereof, shall not be bound in its usual banking operations, to receive any bank notes, other than those issued and made payable at its office.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington and Whitcomb—11.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Frisbie, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock, Robb and Wallace—16.

So said amendment was not adopted.

Mr. Hillis moved that the several amendments above made, be considered engrossed, and with the bill be read a third time now.

On motion of Mr. Whitcomb.

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Lemon moved further to amend the bill under consideration, by striking out of the 22d section, the following words:

"And there shall be no property exempt from execution in such cases."

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Clark, Dumont, Ewing, Givens, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Long, McCarty, Pennington, Robb and Wallace—17.

And those who voted in the negative, are

Messrs. Blair, Farrington, Feeny, Frisbie, Graham, Hanna, Leviston, Orr, Pollock and Whitcomb—10.

So said amendment was adopted.

Mr. Farrington moved further to amend the bill, by striking out the 49th section, which reads as follows:

Sec. 49. It shall not be lawful for said bank or any branch thereof, to issue or to have outstanding, or in circulation at any time, an amount of notes or bills loaned, or put in circulation as money, exceeding twice its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time, exceed twice and a half of the amount of its capital stock so paid in and possessed; and any director voting or in any manner authorizing such issue or circulation, shall be liable in his private estate to the amount of such excess; and any director wishing to rid himself of such liability, shall, at the time, cause his dissent to the act complained of, to be entered on the minutes of the board.

And in lieu thereof, inserting the following three sections:

Sec. The total amount of debts, which said bank or any branch shall at any time owe, shall not exceed twice the amount of capital stock actually paid into each, exclusive of the sums due on account of deposits, nor shall there be due, to either said bank or branches, at any one time, double the amount of the capital stock actually paid in as aforesaid.

Sec. In case the president or any director of said bank or any branch, shall authorize the issuing or circulation of the notes of such bank or branch, or shall make loans or discounts, or shall

permit the incurring of any liability on the part of such bank or branch, to a greater amount than the capital stock actually paid in, and which excess over the stock paid in, the said president or director, knew or had reason to believe, such bank or branch would fail to comply with, such president or director shall be severally liable in their private capacities for such excess.

Sec. Any president or director who may have been absent when such excess was created, or contracted, or may have dissented from the resolution or act, whereby the same was created or contracted, may respectively exonerate themselves from being so liable, by causing his dissent to be entered on the minutes of the board, and by forthwith giving notice of the fact, or his absence or dissent to the bank commissioners.

Mr. Ewing moved to amend the proposed amendment of Mr. Farrington, by striking out therefrom, the following words:

"Knew or had reason to believe."

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Dumont, Ewing, Frisbie, Givens, Graham, Herod, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—17.

And those who voted in the negative, are

Messrs. Clark, Farrington, Feeny, Hanna, Hendricks, Hillis, Long, Orr, Pollock and Wallace—10.

So said amendment was adopted.

Mr. Orr moved to amend the 49th section, proposed to be stricken out, by striking out, after the words 'then paid in,' the following: 'and actually possessed.'

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock and Wallace—14.

Those who voted in the negative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—13.

So said amendment was adopted.

On motion of Mr. Orr, said 49th section was further amended by striking out therefrom, the following words: "and possessed."

A division of the question being called for, the question recurred on striking out the 49th section.

And on this question.

Those who voted in the affirmative, are

Messrs. Clark, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, McCarty and Pennington—11.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Dumont, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock Robb and Wallace—15.

So said section was not stricken out.

Mr. Orr moved further to amend said bill by striking out of the 62d section, the following words after the word 'except,' "that by and with the consent of the Legislature, one additional branch may be established in the district of country north of the Wabash river, in which case the."

Which motion did not prevail.

Mr. Hanna moved to amend the 62d section aforesaid, by annexing thereto the following proviso:

Provided that the Legislature may, whenever it may be deemed expedient, establish any number of additional branches, not exceeding five, under the same restrictions and liabilities as are provided for the government of those authorized by this act.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Dumont, Farrington, Feeny, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Jessup, Long, Orr, Pollock, Wallace and Whitcomb—18.

Those who voted in the negative, are

Messrs. Beard, Ewing, Frisbie, Hoover, Lemon, Leviston, McCarty, Pennington and Robb—9.

So said amendment was adopted.

Mr. Beard moved further to amend the bill under consideration, by striking out from the first section, "within the districts hereinafter named;" and in lieu thereof, "taking into consideration the public convenience, places of the most extensive trade, and where it would be most convenient for the general government to deposit its revenue, collected within this state.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Jessup, Lemon, Leviston, Long, Pollock, Robb and Wallace—16.

And those who voted in the negative are,

Messrs. Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, M'Carty, Orr, Pennington and Whitcomb—11.

So said amendment was adopted.

Mr. Ewing moved to amend the 8th section of said bill, by the following proposition, viz:

In the fourth line, strike out 'eight,' and insert, in lieu thereof 'six,' (so that six of the directors of the parent bank may be elected by the stockholders,) and in the seventh line, strike out 'Governor forthwith to appoint five,' and insert in lieu thereof, "the General Assembly forthwith to appoint by ballot, in joint meeting, seven," (so that seven of the thirteen directors shall be elected by the peoples immediate Representatives.)

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington and Whitcomb—12.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock, Robb and Wallace—15.

So said amendment was not adopted.

Mr. M'Carty moved to amend said bill, by annexing to the 53d section, the following:

And whenever the said canal fund commissioners shall have

contracted for, and shall have actually drawn on the part of the state, any amount of funds, for the purposes contemplated by this act of incorporation, it shall be the duty of said commissioners forthwith to pay the same over to the directors of the state bank, or deposit the amount in some safe bank of deposit, subject to the order of said directors, notice of which deposit shall be given to the directors of the state bank.

Mr. Robb moved to amend Mr. McCarty's proposed amendment, by striking out the whole of the same, after the first word, and in lieu, inserting the following:

Provided, That no loan shall be contracted for on the part of the state until eighty thousand dollars of the capital stock of said bank shall be previously subscribed for and secured, and three-eighths thereof be actually paid in on the part of individuals, nor shall any monies at any time thereafter be drawn from the loan contracted for on the part of the state, so as to subject the state to the payment of interest thereon, until an equal amount of the capital stock shall have been previously subscribed for and secured, and three-eighths thereof shall have been actually paid in on the part of individuals.

And on the question, shall said amendment to the proposed amendment of Mr. McCarty, be adopted,

Those who voted in the affirmative, are

Messrs. Frisbie, Givens, Lemon, Leviston and Robb—5.

And those who voted in the negative are,

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Feeny, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Long, McCarty, Orr, Pollock, Wallace and Whitecomb—21.

So said amendment was not adopted.

The question recurring on the proposed amendment of Mr. McCarty.

It was carried in the affirmative.

Mr. McCarty moved to recommit the bill, with instructions to amend the same so as to authorize the Legislature, within three years, to make the college funds, saline funds, seminary funds and school section funds, stock in the state bank, if deemed advisable.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Ewing, Frisbie, Givens, Graham, Jessup, Leviston, M'Carty and Whitcomb—9.

Those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Dumont, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Hoover, Lemon, Long, Orr, Pennington, Pollock, Robb and Wallace—18.

So said bill was not re-committed.

Mr. Beard moved further to amend the bill, by striking out the 26th section, which reads as follows:

Sec. 26. A failure to pay any instalment, or any such permanent loan, shall subject the note given therefor to suit, and a recovery may be had for the whole amount thereof and interest; and also shall subject the mortgage given therefor to be forthwith foreclosed, and the premises mortgaged, sold for the payment of the whole debt and interest.

Which motion prevailed, and said section was stricken out.

On motion of Mr. Farrington, said bill was further amended, by the addition of the following section:

The said fund commissioners shall take an oath and give bond for the faithful performance of the duties required of them by this act, the bond to be approved of by the Governor.

Mr. Beard moved further to amend the bill, by striking out from the 53d section, 800,000, and in lie, inserting 480,000.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Farrington, Frisbie, Givens, Graham, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Long, M'Carty, Orr, Pennington, Robb and Whitcomb—24.

Those who voted in the negative, are

Messrs. Feeny, Pollock and Wallace—3.

So said amendment was adopted.

On motion of Mr. Whitcomb, the bill was further amended, by annexing to the 17th section, the following: "or the same may be sold at the option of the corporation so offering the same for sale for the best price it will bring."

On motion of Mr. Whitcomb, the bill was further amended, by striking out the 55th section of the same, which reads as follows:

Sec. 55. It shall be the duty of the said fund commissioners, so soon as said paper is struck and delivered to them, to cause to be destroyed the dies or plates on which the same was struck or engraved.

On motion of Mr. Farrington, the bill was further amended, by striking out of the 57th section, "fund commissioners," and in lieu inserting "directors."

Mr. Ewing moved further to amend said bill, by inserting the following as an additional section, viz:

Sec. All notes of said bank and branch banks, shall be issued, payable on demand, and shall be and remain a lawful tender for the payment of all taxes and other debts due to this state.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Ewing, Frisbie, Givens, Graham, Hendricks, Herod, Hoover, Jessup, Lemon, Leviston, Pennington, Robb and Whitcomb—15.

And those who voted in the negative, are

Messrs. Blair, Clark, Dumont, Farrington, Feeny, Hanna, Hillis, Long, M'Carty, Orr, Pollock and Wallace—12.

So said amendment was adopted.

Mr. Farrington moved to strike out the 15th article, which provides for the appointment of bank commissioners, and in lieu, insert the following as article 15:

The judges of the supreme court shall appoint one of said commissioners, the bank one and the branches the other, in such manner as the bank and branches may prescribe.

Which was carried in the affirmative.

Mr. Beard moved to re-consider the vote striking out the canal fund commissioners from the said bill.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington and Robb—13.

Those who voted in the negative, are

Messrs. Chambers, Clark, Dumont, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr, Pollock, Wallace and Whitcomb—13.

The Senate being equally divided, the President voted in the negative.

So said vote was not re-considered.

Mr. Robb moved further to amend said bill, by inserting in the 58th section thereof, which provides for compensating said commissioners, after the word 'services,' the following:

Performed within this state, allowed two dollars for every day which they shall have been necessarily employed in the discharge of the duties of them required by this act, and no other or greater compensation or allowance, shall be made to said fund commissioners, for alledged expenses, or under any other pretence whatever, and for services performed without the limits of this state, they."

Which motion did not prevail.

Mr. Feeny moved further to amend said bill, by striking out of the 10th section, the following words: "But in no case, shall improvements be valued and taken at more than twice the value of the land on which the same are situate."

Which motion was decided in the negative.

Mr. Hillis now renewed his motion, that the several amendments to the said bill, be considered engrossed, and with the bill be read a third time now.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Pollock and Wallace—13.

Those who voted in the negative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—14.

So the Senate refused to read said bill, agreeably to said motion.

On motion of Mr. Lemon, leave of absence is granted to Mr. Wallace, for the residue of the present session.

Mr. Hoover, from the joint committee on enrolled bills, now reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to amend the act directing the mode of suing out and prosecuting writs of habeas corpus;

An act to establish a state road from Bloomington, in Monroe county, to the great falls of Eel river;

An act supplementary to an act, entitled an act regulating divorces;

An act to repeal an act, entitled an act to vacate the town of Owensville;

An act to repeal all acts and parts of acts allowing the county commissioners of Dearborn county, to lay an additional tax on said county;

An act changing the name of John Meek and others;

An act to provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832;

An act to locate a state road from Green Castle, via Putnamville, to Thomas Evan's farm;

An act to define and establish the boundaries of the counties of Wabash and Miami;

A memorial and joint resolution of the General Assembly, relative to fractional congressional townships,

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives recede from their third amendment to the engrossed bill of the Senate, to incorporate congressional townships and providing for public schools therein.

And on motion,

The Senate adjourned.

THURSDAY, JANUARY 31, 1833.

The Senate assembled.

Mr. Jessup presented the petition of Thomas Nichols, collector of Hendricks county, praying certain relief;

Which was read, and

On motion of the same gentleman, referred to the committee on claims.

Mr. Lemon, from the select committee, to which was referred a certain bill, made the following report:

MR. PRESIDENT:

The select committee, to which was referred an engrossed bill, to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes, have had the same under consideration, and a majority of said committee directed me to report the bill to the Senate with sundry amendments, and ask their concurrence therein.

Mr. Lemon moved that said bill, with the report of the committee, be postponed until the 1st Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Farrington, Feeny, Givens, Hendricks, Hoover, Lemon, Leviston, Long, Pennington and Pollock—11.

And those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Ewing, Frisbie, Graham, Hanna, Herod, Hillis, Jessup, McCarty, and Orr—12.

So said bill was not postponed.

Mr. Lemon moved to lay said bill on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Farrington, Feeny, Frisbie, Givens, Hendricks, Hoover, Lemon, Leviston, Long, Pennington, Pollock and Robb—13.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Ewing, Graham, Hanna, Herod, Hillis, Jessup, M'Carty and Orr—12.

So said bill was laid on the table.

Mr. Ewing from a select committee, made the following report:

MR. PRESIDENT:

Your select committee, to whom was referred the bill to provide for the apportionment and payment of a debt due the state, by the late Julius Johnson, now report the same back to the Senate, with an amendment, so as to read, 'shall have the privilege of discharging himself or themselves, severally and respectively,' in which, the concurrence of the Senate is requested.

Which report was read, concurred in and the bill read a third time and passed.

Mr. Pollock, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred an engrossed bill from the House of Representatives, entitled a bill to incorporate the Rising Sun insurance company, have had the same under consideration, and directed me to report it back to the Senate without amendment, and recommend its postponement until the first Monday in December next.

Which was read, concurred in and the bill postponed.

Mr. Farrington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petitions of William S. Cruft and John H. Eaton and others, praying the improvement of the navigation of Busseron creek, in Sullivan county, have had the same under consideration, and being informed that a part of the proposed improvement would be within the limits of the county of Knox, and that petitions from the citizens of said county, were expected to be forwarded to the Legislature, but which have not been received; your committee, from the above considerations, and the advanced stage of the session, have directed me to report the said petitions back to the Senate, that they may be laid over with the unfinished business, to be acted upon at the next session, and your committee ask to be discharged from the further consideration of said petitions.

Which report having been read, was concurred in.

On motion of Mr. Long, the following resolution was adopted:

Resolved, That the committee on claims, be directed to inquire into the expediency of allowing the clerk of the circuit court and coroner of the county of Henry, their fees, in a state case against Ezekiel Leawell, late sheriff, on the relation of Samuel Merrill, treasurer of state.

Mr. McCarty submitted for adoption, the following resolution:

Resolved, That the Senate will, on this evening and to-morrow evening, meet at six o'clock and sit until 10 o'clock, for the purpose of expediting business and bringing the session to a close.

Mr. Whitcomb moved to amend said resolution, by striking out the following, "and sit until 10 o'clock;

Which was carried in the affirmative.

On motion of Mr. Beard, said resolution was laid on the table.

On motion of Mr. Dumont, the following resolution was adopted:

Resolved, That the Enrolling Secretary be authorized to employ such assistance as to him may appear necessary.

On motion of Mr. Whitcomb, the following resolution was adopted:

Resolved, That the committee on claims, be instructed to inquire into the expediency of allowing Richard Hardisty, of Monroe county, his claim herewith submitted, for services as assistant Sergeant at Arms, for two days, during the session of 1829—30, which was then, through mistake, omitted to be made.

The Senate, on motion, took from the table, the message of the House, received on yesterday.

A bill of the House to amend an act respecting the Agent of the three per cent. fund,

Was read twice, and

On motion of Mr. Lemon, laid on the table.

A bill making general appropriations for the year 1833,

Was read twice and referred to a committee of the whole Senate.

A bill of the House to establish a state road from Frankfort to a point on the Michigan road, and for other purposes,

Was read three times and passed.

A bill of the House to locate a state road from Centreville, in Wayne county, to a certain point, in Henry county,

Was read three times and passed.

A bill of the House, to locate a certain state road therein named,

Was read twice and ordered to a third reading.

A bill of the House to authorize the expenditure of the three per cent. fund heretofore appropriated to the county of Adams,
Was read three times and passed.

A bill of the House to permit the commissioners of Sullivan county, to levy a tax on wooden clocks,
Was read twice.

On motion of Mr. Frisbie, said bill was amended, by adding to Sullivan, Perry county.

On motion of Mr. Givens, Posey county was added to said bill.

Mr. Graham moved to amend said bill, by inserting the several counties in this state, in the same.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Frisbie and Graham—4.

And those who voted in the negative, are

Messrs. Beard, Chambers, Dumont, Ewing, Farrington, Feeny, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Long, McCarty, Pennington, Pollock, and Whitcomb—20.

So said amendment was not adopted.

Mr. Graham moved that the further consideration of said bill, be indefinitely postponed.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Feeny, Graham, Hanna, Hoover, Jessup, Leviston, Long, Pollock and Whitcomb—12.

Those who voted in the negative, are

Messrs. Blair, Clark, Farrington, Frisbie, Givens, Hillis, McCarty, Orr, Pennington and Robb—10.

So said bill was indefinitely postponed.

A joint resolution of the House for the benefit of state debtors,
Was read twice, and

On motion of Mr. Hanna, laid on the table.

A bill of the House to locate a state road from Frenchtown, in Warren county, to Lusk's mill, in Parke county,
Was read three times and passed.

A bill of the House to incorporate a company to build a bridge across the St. Joseph river, at the South Bend.
Was read three times and passed.

Mr. Blair, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference, appointed to take into consideration the disagreeing votes of the two Houses, on the first and second amendments made by the Senate to the engrossed bill of the House, changing the times for holding the courts in the first, second, fourth, fifth and sixth judicial circuits, have agreed on the accompanying proviso, to be inserted in the first section, in lieu of the present proviso to said section, to be stricken out:

Provided that the next terms of the circuit courts, in said several counties, shall be held on the days and times, following to wit: In the county of Vermillion, on the 4th Monday of February; in the county of Fountain, on the 2d Monday of March; in the county of Montgomery, on the 3d Monday of March; in the county of Clinton, on the 4th Monday of March; in the county of Tippecanoe, on the 1st Monday of April; in the county of Warren, on the 2d Monday of April, and in the county of Parke, on the 1st Monday of May, and after that, the provisions in the first part of this section shall prevail. The circuit courts shall sit six days in each of said counties at each term, if the business require it, except in the counties of Vermillion and Parke, where they shall sit at the next terms thereof, twelve days, if the business require it, and after that, in the county of Vermillion, only six days: Provided that the circuit courts in the county of Parke, shall sit, at every future term, twelve days if the business require it.

Which having been read, was concurred in.

Mr. Leviston, from the joint committee on enrolled bills, reported, that they have compared the following enrolled with the engrossed bills, entitled acts, and find the same truly enrolled, and after the same being signed by the Speaker of the House of Representatives and President of the Senate, we have, on this day, presented the same to the Governor, for his approval and signature:

An act to repeal a part of the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831:

An act to establish a state road from the town of Michigan, to the town of Jefferson, via Frankford, in the county of Clinton, Indiana;

An act to amend the laws now in force, relative to the construction of the Wabash and Erie canal;

An act to appropriate part of the 3 per cent fund.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

The Governor has approved and signed acts and a memorial and joint resolution of the following titles, viz:

An act to repeal an act, entitled an act to vacate the town of Owensville, approved Jan. 3, 1829;

An act supplementary to an act, entitled an act regulating divorces, approved Jan. 17, 1831;

An act to repeal all acts and parts of acts allowing the county commissioners of Dearborn county, to lay an additional tax on said county;

An act to provide for the location of a state road from Newport, in Vermillion county, via Springfield, Eugene and Perrysville, to the northern boundary of said county;

An act supplemental to an act, entitled an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes, approved Feb. 2, 1832;

An act to define and establish the boundaries of the counties of Wabash and Miami;

An act to amend the act directing the mode of suing out and prosecuting writs of habeas corpus, approved Jan. 12, 1828;

An act to locate a state road from Green Castle, via Putnamville, to Thomas Evan's farm;

An act to establish a state road from Bloomington, in Monroe county, to the great falls of Eel river, and

A memorial and joint resolution of the General Assembly, relative to fractional congressional townships.

All of which originated in the Senate.

The following communication from the Governor, was delivered by the same gentleman:

MR. PRESIDENT:

I am instructed to inform the Senate, that his Excellency the Governor, has approved and signed an act to repeal a part of the act regulating the fees and salaries of the several officers and per-

sons therein named, approved Feb. 7, 1831, which originated in the Senate.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to appropriate part of the 3 per cent. fund;

An act to amend the laws now in force relative to the construction of the Wabash and Erie canal;

An act to establish a state road from the town of Michigan, to the town of Jefferson, by the way of Frankford, in the county of Clinton, Indiana, and

An act to repeal a part of the act regulating the fees and salaries of the several officers and persons therein named.

The House concur in the amendments made by the Senate to the following bills of the House, to wit:

An act to alter part of the Mooresville and Crawfordsville state road;

An act to amend the act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

An act for the location of a state road;

An act supplemental to an act, entitled an act to amend the act entitled an act to establish a state road from Wm. Connelly's, in Lawrence county, to Green Castle, in Putnam county, approved Feb. 3, 1832;

An act to amend an act, entitled an act to incorporate the town of Madison, approved Feb. 4, 1831;

An act to locate a state road from Andersonstown, in Madison county, to Logansport, in Cass county;

An act to allow Joseph Morgan, former collector of Pike county further time to collect any taxes due him, and

A preamble and joint resolution, in relation to horses lost by the volunteer militia of Indiana.

Said bills having been signed by the President, were delivered to the committee on enrolled bills for presentation to the Governor.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representative have adopted the following resolution:

Resolved, That this House, in connection with the Senate, will proceed to the election of three canal commissioners, this day, at 2 o'clock, and that the Senate be requested to meet this House, in the Representative Hall, at that hour.

Mr. Huntington has been appointed teller on the part of this House.

On motion of Mr. Hanna, the Senate reciprocate the aforesaid resolution of the House.

Mr. Hanna is appointed teller, on the part of the Senate.

Ordered, That the House be informed thereof.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their 4th amendment to the engrossed bill of the Senate, to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831.

They have passed, without amendment, engrossed bills, &c. of the Senate, of the following titles:

An act for the relief of Thomas Pogue and others;

An act to establish a state road from Bloomington, in Monroe county, by way of Bale's ferry, to Leesville, in Lawrence county;

A memorial to the Congress of the United States, on the subject of relinquished lands;

An act to legalize the appraisement and sale of a part of the south east qr. of sec. 16, town 12, north of range 6, east, in Shelby county, and

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of unproductive 16th sections.

They have also passed engrossed bills and a joint resolution, originating in the House, of the following titles, to wit:

An act to legalize the proceedings of the seminary trustees of Union county;

An act for the relief of Ann M. Smith;

A joint resolution of the General Assembly, relative to procuring tract books and maps of the purchase of 1828, and

An act making specific appropriations for the year 1833.

In which bills and joint resolution of the House, the concurrence of the Senate is requested.

A bill of the House to legalize the proceedings of the seminary trustee of Union county,

Was read three times and passed.

Mr. Feeny moved that the Senate recede from their disagreement to the 4th amendment of the House, to a bill of the Senate entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Frisbie, Givens, Hanna, Hillis, Hoover, Jessup, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—17.

And those who voted in the negative, are

Messrs. Beard, Dumont, Ewing, and Graham—4.

So the Senate receded from their disagreement to said amendment.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

Mr. Hendricks, from a committee of free conference, on the circuit court bill, made the following report:

MR. PRESIDENT:

The committee of free conference, appointed on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to take into consideration the disagreeing votes of the two Houses, to the 4th amendment made by the Senate to the engrossed bill of the House, changing the times for holding the courts in the first, second, fourth, fifth and sixth judicial circuits, have had the subject under consideration, and have agreed that the House recede from their disagreement to the amendment of the Senate in question.

Which report having been read, was concurred in.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the bills of the House, entitled as follows, viz:

An act to amend an act entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832, and

An act relative to a certain state road in Rush county.

They concur in the reports of the two committees of free conference, on the subject of the disagreeing votes of the two Houses, on the 1st, 2d and 4th amendments of the Senate, to the engrossed bill of the House, changing the time for holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits.

They have passed bills of the House, entitled as follows:

An act supplemental to an act, authorizing the location of a state road from Lafayette to Lake Michigan;

An act to encourage the apprehension of horse thieves, and

An act supplemental to an act, entitled an act to authorize the building of bridges across Lick creek and Salt creek, approved Jan. 29, 1830.

In which, I am instructed to ask the concurrence of the Senate.

On motion of Mr. Jessup, a bill of the House to appropriate part of the three per cent. fund in the county of Morgan, was taken from the table, amended, read a third time and passed.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend, instanter, in the hall of the House of Representatives, to proceed to the election of three canal commissioners, and that the Clerk inform them that seats are provided for them on the right of the Speaker's chair;

Whereupon, the Senate repaired to the hall of the House and proceeded to the election aforesaid, and upon counting the votes on the 1st balloting, it appeared that David Burr had received 61 votes, Samuel Lewis 53 votes, John Scott 44 votes, Jacob Walker 26 votes, John Gardner 25, James Gregory 25, Jordan Vigus 25, scattering 6 votes.

Whereupon, David Burr and Samuel Lewis were declared duly elected canal commissioners for the ensuing three and two years respectively.

No person having a majority of votes, for the third commissioner, the convention proceeded to a 2d balloting, and upon counting the votes, it appeared that John Scott had received 40 votes, James Gregory 31, Jordan Vigus 15, scattering 7.

No person having received a majority of votes, the convention proceeded to a 3d balloting, and upon counting the votes, it appeared that John Scott received 43 votes, James Gregory 45, scattering 6 votes.

No person having received a majority of votes, the convention proceeded to a 4th balloting, and on counting the votes, it was found that John Scott and James Gregory received 45 votes each, scattering 3 votes.

The convention then proceeded to a 5th balloting, and on counting the votes, the following result was announced: John Scott received 50 votes, James Gregory 43 votes.

Whereupon, John Scott was declared by the President of the convention, duly elected canal commissioner for one year, ensuing the present date.

The President then declared the convention dissolved, and the Senate returned to their chamber.

An engrossed joint resolution of the General Assembly, relative to procuring tract books and maps of the purchase of 1828,
Was read twice,

On motion of Mr. Graham, amended, the amendments considered engrossed and the resolution read a third time and passed.

A bill of the House for the relief of Ann M. Smith,

Was read twice, and

On motion of Mr. Leviston, laid on the table.

A bill of the House making specific appropriations for the year 1833,

Was read twice, and

On motion of Mr. Robb, referred to a committee of the whole Senate.

A bill of the House supplemental to an act authorizing the location of a state road from Lafayette to Lake Michigan,

Was read three times and passed.

A bill of the House to encourage the apprehension of horse thieves,

Was read twice.

Mr. Dumont moved to amend said bill, by annexing to the same, the following proviso:

Provided however that no allowance under this act, shall be

made to any such person or persons who may have been a witness or witnesses in the case.

Which motion was decided in the negative.

A bill of the House supplemental to an act, entitled an act to authorize the building of bridges across Lick creek and Salt creek, approved Jan. 30, 1831,

Was read three times and passed.

On motion of Mr. Robb, a bill of the House to vacate part of a certain state road therein named, was taken from the table, read a third time and passed.

On motion of Mr. Graham, a bill of the House to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes, was taken from the table, amended by consent, read a third time and passed.

Mr. Whitcomb, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the Senate, to amend an act regulating the practice in suits at law, approved Jan. 29, 1831, with certain amendments of the House of Representatives thereto; a bill of the Senate to authorize the adjournment of circuit courts in certain cases; a bill of the House of Representatives to amend an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831, and a bill of the Senate to amend the same act, have, according to order, had the same under consideration, and have directed me to report that they recommend that the Senate refuse to concur in the first amendment of the House to the first named bill; that the Senate concur in the second amendment thereto, and that the Senate concur in the 3d amendment of the House, with an amendment, herewith submitted; that the Senate concur in the 4th, 5th, 6th and 7th amendments of the House to said bill, and they recommend to the Senate to concur in the 8th amendment of the House to said bill, with an amendment, herewith submitted, embracing the provisions of the last named bills, and that the three last named bills be laid on the table.

Mr. Pennington moved that the Senate concur in the 1st amendment to said bill, which amendment reads as follows:

That in all actions at law, for the recovery of a specific sum of money upon bonds, bills or promissory notes, or upon accounts or upon any obligation in writing, for the payment of property, it

shall not be necessary for the plaintiff in such suit, to file any formal declaration; but the filing of such notes, bonds, bills or accounts in writing in the clerk's office, shall be a sufficient foundation to such suit, upon which process shall issue, and the defendant or defendants thereto, shall be allowed to plead thereto, any defence which he or they, by law, may be entitled to, against the cause of action contained in such bonds, bills, promisory notes or accounts, as though the same was declared upon, to which the plaintiff shall reply, and the defendant rejoin, until an issue or issues are made up as in other cases.

Mr. Beard moved to amend the said amendment, by striking out these words, 'or upon accounts or upon any obligation in writing for the payment of property.

Which motion was decided in the negative.

And on the question, will the Senate concur in said amendment of the House?

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Ewing, Feeny, Graham, Hanna, Hendricks, Hillis, Hoover, Long and Pennington—11.

And those who voted in the negative are,

Messrs. Blair, Clark, Dumont, Farrington, Frisbie, Herod, Jessup, Lemon, Leviston, M'Carty, Orr, Pollock, Robb and Whitcomb—14.

So said amendment was not concurred in.

On motion, the Senate concur in the 4th, 5th, 6th and 7th amendments of the House, to said bill.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, viz:

An act for the location of a state road;

An act to amend the act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

An act to permit Jacob Studybaber and Thomas Thomas, to keep their mills in operation on the Elkhart river;

An act to re-locate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county;

An act to incorporate the county seminary of Posey, and for other purposes;

An act to amend the act, entitled an act for the location and opening a state road from Logansport via Turkey creek and Elk-

hart prairies, to the northern line of the state, in the direction of Pigeon prairie, in Michigan territory;

An act to vacate Dunkintown, in Sullivan county;

An act to amend the act to provide for electing county and township officers, approved Jan. 30, 1831;

An act to authorize the Governor to commence suits in the Dearborn circuit court, for the recovery of the possession and title to certain lands belonging to the state;

An act to establish a state road from Fairfield, in Franklin county, to West Union, in Fayette county;

An act concerning a school section in Tipton county;

An act to locate a state road from James Marr's, in Bartholomew county, to Joab Woodruff's, in Johnson county;

An act relative to a certain state road in Rush county;

An act to locate a state road from Delphi to Munceytown;

An act to establish a state road from Mount Pleasant, in Martin county, to Springfield, in Lawrence county;

An act to amend an act, entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832;

An act to locate the Alquina state road;

An act to allow Joseph Morgan, former collector of Pike county further time to collect any tax due him;

An act for the location of a state road from Fair Play, in Green county, to intersect the Vincennes state road, near Benjamin Stafford's;

An act to incorporate a board of trustees for the promotion of schools and education in Clark's grant;

An act authorizing a change in a part of the Munceytwm and Logansport state road;

An act to amend an act, entitled an act to incorporate the town of Madison, approved Feb. 4th, 1831;

An act to relocate part of the Terre Haute state road;

An act to alter part of the Mooresville and Crawfordsville state road;

An act supplemental to an act, entitled an act to amend the act entitled an act to establish a state road from Wm. Connelly's, in Lawrence county, to Green Castle, in Putnam county;

An act for the relief of the heirs of Arthur Major;

An act providing for the location of a state road from Delphi, in Carroll county, to Crawfordsville, in Montgomery county, and

An act amendatory of an act to incorporate the town of Lawrenceburgh;

And find the same truly enrolled.

And on motion,

The Senate adjourned.

FRIDAY, FEBRUARY 1, 1833.

The Senate assembled.

Mr. Feeny, from the military committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to which was referred a bill to amend an act, entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831, have directed me to report the same back to the Senate, without amendment, and recommend its indefinite postponement.

Which was read and concurred in.

Mr. Feeny, from the same committee, made the following report:

MR. PRESIDENT:

The committee on military affairs, to which was referred a bill to amend an act, entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831, have directed me to report the same back to the Senate, with one amendment, which is by striking out the 3d section.

Which amendment was adopted and the bill read a third time and passed.

Mr. Pennington, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to which was referred the claim of Richard Hardesty, for five dollars, for services rendered by him, as assistant Sergeant at Arms, under Harvey Gregg, then Sergeant at Arms, during the session of the General Assembly, in years 1829-30, have directed me to report that they have had the same under consideration, and are of the opinion that the same ought not to be allowed, and ask to be discharged from the further consideration of the subject.

Which report was read, and

On motion of Mr. Whitcomb, laid on the table.

Mr. Pennington, from the same committee, made the following report:

MR. PRESIDENT:

The committee on claims, to which was referred a resolution

of the Senate, instructing them to inquire into the expediency of allowing the clerk of the circuit court of Henry county, his fees, in a certain suit in said county, brought by Samuel Merrill, against Ezekiel Leawell, late sheriff, and John Boswell, coroner acting as sheriff in said suit, the committee have directed me to report that they have had the subject referred to them, under their consideration, and are of the opinion the same ought not to be allowed, therefore ask to be discharged from the further consideration of the subject.

Which report was read, and
On motion of Mr. Long, laid on the table.

Mr. Jessup, from the same committee, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Thomas Nichols, have had the same under consideration and directed me to report that they recommend that he be allowed the sum of twenty dollars two and a fourth cents, in the specific appropriation bill, and ask to be discharged from the further consideration of the subject.

Which was read and laid on the table.

Mr. Jessup, from the same committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the engrossed bill of the House, for the relief of James M'Farland, have had the same under consideration, and directed me to report that they have not been shown any reason why the relief should be granted, and therefore recommend that the said bill be indefinitely postponed, and ask to be discharged from the further consideration of that subject.

Which was read, concurred in and the said bill indefinitely postponed.

Mr. Whitcomb moved that the bill to establish a state bank, which was reported a few days since by a select committee, be taken up.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Chambers, Dumont, Ewing, Farrington, Feeny.

Graham, Hanna, Herod, Hillis, Jessup, Long, M'Carty, Pollock and Whitcomb—15.

And those who voted in the negative, are

Messrs. Blair, Clark, Frisbie, Givens, Hendricks, Hoover, Lemon, Leviston, Orr, Pennington and Robb—11.

So said bill was taken up.

Mr. Pennington moved that the further consideration of said bill be postponed until the first Monday in August next.

Mr. Beard moved to amend said motion, by inserting December in lieu of August.

Which motion prevailed.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Givens, Hanna, Hendricks, Hillis, Hoover, Lemon, Leviston, Long, Orr, Pennington, Pollock and Robb—18.

And those who voted in the negative, are

Messrs. Dumont, Ewing, Frisbie, Graham, Jessup, M'Carty and Whitcomb—7.

So said bill was postponed until the 1st Monday in December next.

On motion of Mr. Hillis, an engrossed bill of the House, entitled an act to amend an act relating to county seminaries, was taken from the table, read a third time and passed.

On motion of Mr. Orr, a joint resolution of the House, for the benefit of state debtors, was taken from the table, amended, the amendments considered engrossed and the bill read a third time and passed.

On motion of Mr. Blair, the committee of the whole Senate were discharged from the further consideration of a bill of the Senate, to authorize the Agent of State for the town of Indianapolis to sell and convey certain lands, and said bill read a third time and passed.

The following message was communicated from the Governor, by Mr. Maguire:

MR. PRESIDENT:

I am instructed to inform the Senate, that an act to appropriate part of the three per cent. fund, which originated in the Senate, has received the approbation and signature of his Excellency the Governor.

Mr. Lemon moved the Senate, to discharge the committee of the whole, from the further consideration of a bill of the House to amend the act regulating the interest of money in the state of Indiana.

Which motion did not prevail.

On motion of Mr. Orr, the Senate went into committee, for the purpose of further considering said bill, and after some time occupied in the consideration of the same, the committee rose, and Mr. Lemon, their chairman, reported the same to the Senate with sundry amendments, in which he asked the concurrence of the Senate.

The first amendment was by striking out the first section of the bill, and in lieu inserting the following:

That no person or persons, body politic or corporate, shall on any contract thereafter, made directly or indirectly, take or receive for any loan or use or forbearance of money, or on any contract for the payment of money, above the rate of value of six dollars for the loan, use or forbearance, or on the contract for the payment of one hundred dollars, for one year, and so proportionally for any greater or less sum, and for any longer or shorter time unless the stipulation to pay a higher rate of interest be made in writing and signed by the party to be charged; but in no case whatever, shall any person or persons, body politic or corporate, take or receive more than ten dollars for any such loan, use or forbearance of money, or on any such contract for the payment of one hundred dollars for one year, and so proportionally for any longer or shorter time, or for any greater or less sums.

Mr. Ewing called for a division of the question, and the question propounded was, will the Senate concur in striking out the first section of the bill of the House?

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, Jessup, Leviston, Long, McCarty, Orr, Pennington and Robb—16.

And those who voted in the negative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Lemon, Pollock, and Whitcomb—10.

So said section was stricken out.

Mr. Lemon moved to amend the proposed amendment, by striking out 10, and in lieu, inserting 7.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Lemon, Pollock and Whitcomb—10.

Those who voted in the negative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, Jessup, Leviston, Long, M'Carty, Orr, Pennington and Robb—16.

So said amendment was not adopted.

Mr. Givens moved to amend the proposed amendment, by striking out 10, and inserting 8, in lieu of the same.

A division of the question being called for, the question was put, will the Senate strike out 10?

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Lemon, Pollock and Whitcomb—10.

Those who voted in the negative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, Jessup, Leviston, Long, M'Carty, Orr, Pennington and Robb—16.

So said number was not stricken out.

The question was then taken on concurring in the 1st amendment reported by the committee of the whole.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie,

Graham, Herod, Hoover, Jessup, Leviston, Long, M'Carty, Orr, Pennington and Robb—16.

And those who voted in the negative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Lemon, Pollock and Whitcomb—10.

So said amendment was concurred in and said section inserted in lieu of that stricken out.

The question was then taken on concurring in the 2d amendment reported, and the same was concurred in by consent.

Mr. Dumont moved to amend the bill by the addition of the following section:

Sec. Should any person directly or indirectly receive any greater rate of interest than 10 per cent. per annum, the person so offending, shall, on conviction by presentment or indictment, pay a fine to the state of Indiana, for the use of the county seminary in the county where the offence shall be committed, in double the amount [of the excess of interest above 10 per cent. per annum] received.

And on this question,

Those who voted in the affirmative, are

Messrs. Clark, Dumont, Ewing, Feeny, Givens, Hanna, Hendricks, Hillis, Jessup, Orr, Pennington, Pollock, Robb and Whitcomb—14.

Those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Farrington, Frisbie, Graham, Herod, Hoover, Lemon, Leviston, Long and M'Carty—12.

So said amendment was adopted.

On motion of Mr. Dumont, the foregoing amendments were considered engrossed and with the bill read a third time and passed.

Mr. Graham moved to amend the title of said bill, by annexing to the same, the following words: 'and for the encouragement of informers.'

Which motion was decided in the negative.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives, having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to establish a state road from Mount Pleasant, in Martin county, to Springville, in Lawrence county;

An act to authorize Joseph Morgan, former collector of Pike, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Morgan was collector;

An act to amend an act entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832;

An act to establish a state road from Fair Play, in Greene county, to intersect the Vincennes state road, at or near Benjamin Stafford's, in said county;

An act to locate the Alquina state road;

An act to locate a state road from Delphi to Munceytown;

An act to locate a state road from James Marr's, in Bartholomew county, to Joab Woodruff's, in Johnson county;

An act relative to a certain state road in Rush county;

An act for the location of a state road;

An act to amend an act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

An act to permit Jacob Studybaker and Thomas Thomas to keep their mills in operation on the Elkhart river;

An act to re-locate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county;

An act to incorporate the county seminary of Posey, and for other purposes;

An act to amend an act, entitled an act for the location and opening a state road from Logansport, via Turkey creek and Elkhart prairies, to the northern line of the state, in the direction of Pigeon prairie, in Michigan territory, approved Dec. 29, 1830;

An act to vacate the town called Dunkintown, in Sullivan county;

An act to amend the act to provide for electing county and township officers, approved Jan. 30, 1831;

An act to authorize the Governor to commence suits in the Dearborn circuit court, to recover the possession and title to certain lands belonging to the state;

An act to establish a state road from Fairfield, in Franklin county, to West Union, in Fayette county;

An act concerning a school section in Tippecanoe county;

An act to alter a part of the Mooresville and Crawfordsville state road, lying between Mooresville and Danville;

An act to re-locate a part of the Terre Haute state road;

An act supplemental to an act, entitled an act to amend the act, entitled an act to establish a state road from William Connelly's, in Lawrence county, to Green Castle, in Putnam county, approved Feb. 3, 1832;

An act locating a state road from Delphi, in Carroll county, to Crawfordsville, in Montgomery county;

An act to amend an act, entitled an act to incorporate the town of Madison, approved Feb. 6, 1831;

An act amendatory of an act, to incorporate the town of Lawrenceburgh;

An act authorizing a change in a part of the Munceytown and Logansport state road;

An act to incorporate a board of trustees for the promotion of schools and education in Clark's grant, and

An act for the relief of the heirs of Arthur Major.

The House have passed engrossed bills, &c. of the Senate, of the following titles, viz:

An act supplemental to an act to provide for the erection of a state house;

An act to establish a levee from the town of Vincennes, thro' the town prairie, near the Wabash river, to the Grand Coulee;

An act for the relief of Mary Lane, widow of Daniel C. Lane, late treasurer of state;

An act supplemental to an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state, into lots and offer the same for sale, approved Feb. 9, 1831;

An act supplemental to an act for the regulation of the state prison, approved Feb. 10, 1831;

An act declaratory of the powers of notaries publick;

An act to amend the act, entitled an act to incorporate the Richmond, Eaton and Miami rail road company, approved Feb. 3, 1832;

A joint resolution relative to the Indiana College; and

A joint resolution to provide for the binding and distributing the acts of Congress, deposited in the office of the Secretary of State.

The four first with amendments to each, the last five without amendment.

They have also passed bills and a joint resolution, originating in the House, entitled as follows:

An act to declare a certain county road therein named, to be a state road;

An act for the relief of Zachariah Ferguson, Stanhope Royster and John Perin;

A joint resolution concerning the state library, and

An act to amend an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state.

In which bills and joint resolution of the House, and the amendments proposed to the bills of the Senate, the concurrence of the Senate is requested.

The said bills reported, for the signature of the President, hav-

ing been signed, were delivered to the committee on enrolled bills for presentation to the Governor.

On motion, the Senate disagreed to the 1st amendment of the House, to the bill of the Senate, supplemental to the act to provide for the erection of a state House, which was by authorizing a loan of money at an interest of 6 per cent.

Mr. Hanna moved that the Senate disagree to the 2d amendment of the House to said bill, which was by striking out the 6th section of the same, which section provided for the vacation of a part of market street.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Farrington, Feeny, Frisbie, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Orr, Robb and Whitcomb—17.

And those who voted in the negative, are

Messrs. Ewing, Lemon, Leviston, M'Carty and Pennington—5.

So said amendment was disagreed to.

On motion, the Senate concur in the 3d amendment to said bill, which was by the annexing of a new section to the same.

On motion, the Senate concur in the amendment of the House, to the bill of the Senate, to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand Coulee.

On motion, the Senate concur in the bill of the Senate, for the relief of Mary Lane, widow of Daniel C. Lane, late treasurer of state.

On motion, the Senate concur in the amendments of the House, to the bill of the Senate, supplemental to an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state into lots, and to offer the same for sale, approved Feb. 9, 1831.

A bill of the House, to declare a certain county road therein named, to be a state road,

Was read twice, and

On motion of Mr. Chambers, indefinitely postponed.

A bill for the relief of Zachariah Ferguson, Stanhope Royster and John Perin,

Was read twice, and

On motion of Mr. Hendricks, laid on the table.

A joint resolution from the House, concerning the state library,
Was read twice, and

On motion of Mr. Blair, laid on the table.

An act to amend an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state,
Was read twice and ordered to a third reading.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments of the Senate, to the engrossed bill of the House, to appropriate part of the 3 per cent. fund in the county of Morgan, and to the engrossed joint resolution of the House, relative to procuring tract books and maps of the purchase of 1828; to the last with an amendment, in which the concurrence of the Senate is requested.

They concur in the first and disagree to the second amendment of the Senate, to the engrossed bill of the House, to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes.

Mr. Huntington now communicated to the Senate, that the House had passed a bill, entitled an act for the relief of George W. Deweese;

Which was read twice, and

On motion of Mr. Whitecomb, laid on the table.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bill, entitled an act to incorporate congressional townships and providing for public schools therein.

And find the same truly enrolled.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill of the Senate, to appoint an executive officer of the supreme court with an amendment, in which the concurrence of the Senate is requested.

On motion, the Senate concurred in the amendments of the House to the above named bill.

On motion, the Senate concur in the amendment of the House to the amendment of the Senate, to the engrossed joint resolution of the General Assembly relative to procuring tract books and maps of the purchase of 1828.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed joint resolution authorizing the suspension of a suit against Julius Johnson and others, in which the concurrence of the Senate is requested.

Which joint resolution was read three times and adopted.

Mr. Graham moved that the Senate recede from their amendments to the bill of the House, to establish a state road from New Albany, in Floyd county, to Lexington, in Scott county, by the way of Charlestown, in Clark county, Indiana, and for other purposes.

On motion of Mr. Lemon, said bill was laid on the table.

Mr. Leviston, from the joint committee on enrolled bills, reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act for the relief of the heirs of Arthur Major;

An act to incorporate a board of trustees for the promotion of schools and education in Clark's grant;

An act authorizing a change in a part of the Munceytwn and Logansport state road;

An act amendatory of an act to incorporate the town of Lawrenceburgh;

An act to relocate part of the Terre Haute state road;

An an act to amend an act, entitled an act to incorporate the town of Madison, approved Feb. 6th, 1831;

An act to alter a part of the Mooresville and Crawfordsville state road, lying between Mooresville and Danville;

An act providing for the location of a state road from Delphi, in Carroll county, to Crawfordsville, in Montgomery county;

An act to locate a state road from Delphi to Munceytown;

An act to locate a state road from James Marr's, in Bartholemew county, to Joab Woodruff's, in Johnson county;

An act to establish a state road from Fairfield, in Franklin county, to West Union, in Fayette county;

An act concerning a school section in Tippecanoe county;

An act relative to a certain state road in Rush county;

An act to amend the act, entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

An act to permit Jacob Studybaber and Thomas Thomas, to keep their mills in operation on the Elkhart river;

An act to re-locate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county;

An act supplemental to an act, entitled an act to amend the act, entitled an act to establish a state road from William Connelly's, in Lawrence county, to Green Castle, in Putnam county, approved Feb. 3, 1832;

An act for the location of a state road;

An act to authorize Joseph Morgan, former collector of Pike, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Morgan was collector;

An act to amend an act, entitled an act to incorporate the town of Terre Haute, approved Jan. 26, 1832;

An act for the location of a state road from Fair Play, in Green county, to intersect the Vincennes state road, near Benjamin Stafford's;

An act to locate the Alquina state road;

An act to incorporate the county seminary of Posey, and for other purposes;

An act to amend the act to provide for electing county and township officers, approved Jan. 30, 1831;

An act to authorize the Governor to commence suits in the Dearborn circuit court, for the recovery of the possession and title to certain lands belonging to the state;

An act to vacate Duskintown, in Sullivan county;

An act to establish a state road from Mount Pleasant, in Martin county, to Springville, in Lawrence county;

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled,

On motion of Mr. Givens, the joint resolution of the House concerning the state library, was taken from the table, read a third time and passed.

On motion of Mr. Hendricks, the bill of the House, to establish a state road from Shelbyville, in Shelby county, by the way of Goshen and Newbern, in Bartholomew county, to intersect the In-

Jennings county, was taken from the table, read a third time and passed.

A bill of the House to encourage the apprehension of horse thieves,

Was read a third time and passed.

A bill of the Senate, to amend the act concerning county seminaries,

Was read a third time and passed.

A bill of the House, to locate a state road therein named,

Was read a third time and passed.

A bill of the House to amend the road law and for other purposes,

Was read a third time and passed.

A bill of the Senate to reduce the salary of the Agent of the 3 per cent. fund,

Was read a third time and passed.

A bill of the Senate, in relation to the Secretary and Treasurer of State, and for other purposes,

Was read a third time and passed.

On motion of Mr. Hanna, the committee of the whole were discharged from the consideration of a bill to incorporate the St. Joseph orphan asylum, and the same was committed to a select committee.

Ordered, That said committee consist of Messrs. Hanna, Clark, and M'Carty.

On motion of Mr. Graham, the committee of the whole were discharged from the further consideration of a bill to foreclose mortgages and to convey real estate held by deed of trust.

Mr. Pennington moved that the further consideration of said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Clark, Dumont, Ewing, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Lemon, Long, Orr, Pennington, Pollock and Robb—15.

And those who voted in the negative, are

Messrs. Beard, Blair, Farrington, Feeny, Frisbie, Graham, Jessop, Leviston, M'Carty and Whitcomb—10.

So said bill was postponed indefinitely.

The Senate proceeded to consider a bill from the House of Representatives to establish a state bank.

Mr. Pennington moved that the further consideration of said bill be postponed until the first Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—13.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long and Pollock—13.

The Senate being equally divided, the President voted in the negative.

So said bill was not postponed.

Mr. Pennington then moved to postpone said bill until the first Monday in August next.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—13.

And those who voted in the negative are,

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long and Pollock—13.

The Senate being equally divided, the President voted in the negative.

Mr. Ewing moved to amend said bill, by striking the same out from the enacting clause, and inserting in lieu, the annexed bill:

Sec. 1. That the faith and credit of the state of Indiana, shall stand irrevocably pledged for the ultimate payment of all notes issued and all debts contracted by a state bank, which is hereby authorized and established, to be known and styled "The State Bank of Indiana," and located at Indianapolis, whose directors

herein provided for, and their successors have power and authority hereby given, to locate and establish four branches, at such places as may be thought expedient, under the restrictions and in the manner hereinafter provided.

Sec. 2. The capital of said state bank and branches shall be six hundred and thirty thousand dollars, four hundred and fifty thousand dollars thereof to be owned by the state, and one hundred and fifty thousand dollars, in shares of fifty dollars each, to be subscribed for by individuals; and said capital stock shall be exempt from any tax imposed by the state, or any county or body politic, under her authority; and the remedy for collecting debts, founded upon said stock, according to the fundamental regulations herein prescribed, shall be, and always remain reciprocal, for and against the bank and her branches.

Sec. 3. The president and directors of the parent state bank, shall have power to ordain, establish and exact the execution of such by-laws and regulations, for the good government of the concerns of the branch banks hereby authorized, subject to the limitations prescribed in this act, as to them shall seem necessary and proper; provided that they shall not be authorized to expend more than four thousand dollars, for lots and appropriate buildings, to accommodate their business, at any one place.

Sec. 4. The Senate and House of Representatives, shall proceed, in joint meeting, to elect by ballot, a president, nine directors and a cashier, to administer and manage the affairs and concerns of the state bank of Indiana, whose offices shall continue for one year and until their successors shall be duly qualified; and in consideration of state responsibilities and interests involved, with the local advantages otherwise secured all subsequent elections for president, directors and cashier of the institution at Indianapolis, shall be by joint ballot of both Houses; Provided, That no state director, to be appointed by the General Assembly, as aforesaid, shall be elected more than twice in three years, and no director shall receive more than two dollars for each days service, when engaged in their duties as such, nor shall any director be entitled to loans in virtue of his office, or receive any greater loans, or in any other manner, than he would be entitled to, as an individual; and provided further, that no director of the parent state bank, or other officer thereof, nor any officer of the branch banks, except the directors thereof, shall be permitted to own, directly or indirectly, any share or shares of the capital stock hereby created, for the several branch banks, under pain of forfeiture thereof, to and for the benefit of the common school fund; and provided further, that it shall not be lawful for said bank or any branch thereof, to contract debts, or issue or have outstanding, or in circulation, at any one time, an amount of notes or bills loaned, or put in circulation as money, exceeding double the amount of its capital stock, and if said parent state branch bank directors, shall

issue paper, or in any way incur debts at any one time, to exceed twice the amount of authorized capital on hand, exclusive of sums due on deposit, and fail to make known to the next succeeding General Assembly all such violations of the provisions of this act, they and each of them shall stand bound jointly and severally to indemnify the state, to the extent of the losses incurred by any such excess, and it shall not be lawful for the president, directors, cashier or other officer of said bank and branch banks, or any officer of our state Government or any member of the General Assembly, to become indorser for each other, to procure discounts or loans; and if any director, cashier or other officer or agent of said bank or branch bank, shall embezzle, or fraudulently convert to his or their own use, any sum of money, bank notes, bills of exchange, check, bond or other security placed under his or their care and management, by virtue of his or their trust or place aforesaid, the person or persons so offending, his or their abettor or counsellor, upon conviction thereof, shall be judged guilty of felony, and sentenced to imprisonment in the state prison, for a term, not less than two years, and there remain until he shall make good all damages which the said bank or branch may have sustained by his or their misconduct, and be fined at the discretion of the jury trying said offence, and shall forever thereafter, be disqualified from holding any office of profit, trust or emolument, in the state of Indiana.

Sec. 5. The president and directors of the parent state bank, after giving thirty days notice, in all the newspapers of this state, shall cause to be opened books for the subscription of stock at Indianapolis, and at such places, as they may designate, under the direction of such persons as they may appoint; said books to be kept open between the hours of 9 and 12, A. M. of each day for the space of thirty days, and if on closing the books, within any of said districts, it shall be found that more than thirty thousand dollars for stock, has been subscribed, the same shall be taken in proportion from the subscriptions over five hundred dollars, until all are reduced to that amount, and then equally from all, holding more than five shares, until the whole amount shall not exceed the constitutional limit of thirty thousand dollars in stock, in each prescribed district; Provided however, That no subscription shall be reduced, while any one remains larger; and when notified that this sum has been subscribed and paid, for either of the branch banks aforesaid, it shall be the duty of the said directors of the parent bank, to cause one or more of their board, to repair to said places and examine the funds so paid in, by the subscribers of stock, and if deemed good and sufficient, to make report accordingly to the state bank, and to the treasurer of this state.

Sec. 6. As soon as the above provisions are complied with, and the stock shall be paid as aforesaid, at any selected point for a bank, it shall be the duty of said directors, to subscribe fifty

thousand dollars for stock, appoint a cashier and four directors, who shall be duly qualified as hereinafter provided, on behalf of the state, and said cashier and directors so appointed and qualified, shall give ten days notice to the stockholders, to hold an election for five directors, for such branch bank, to be voted for by such of its own individual stockholders only, as shall be residents of this state, to hold their offices until the next annual election, on the first Monday in January following; which directors, when so elected, shall, with those appointed on behalf of the state, meet at said branch banks respectively, at such time as said directors of the parent bank herein provided for, may designate, and after being duly sworn and qualified, shall proceed to elect one of their directors to be president of said branch, who shall hold his office for and during the same period for which the said directors are appointed and elected as aforesaid; and the state bank directors, shall immediately pay each board of branch directors, the amount of stock subscribed on behalf of the state in said branch, in specie or its equivalent, and the amount paid them by the stockholders, with a due portion of bank notes, numbered and signed, as herein provided for, and hand over all books and papers, by-laws and regulations, which properly belong to said branches respectively, taking duplicate receipts and vouchers therefor, one of which shall be filed with the treasurer of state.

Sec. 7. Each branch bank established and in operation as herein provided, shall furnish the president of the parent bank, once every three months, and as often as he may require, full and correct statements, to be verified under oath of the president and cashier, of the debts due to the same, and the monies deposited generally and specially therein, also the amount of notes in circulation, payable at such branch, and the specie on hand: and the board of directors of the parent bank, shall have a right, at all times, to order a full and minute examination of all the books and affairs relating to any of said branches, and to suspend the banking functions thereof under the authority of this act, if such proceeding be deemed right and proper, to prevent the recurrence of any dangerous course, or to save the interest concerned.

Sec. 8. Certificates of stock, in the parent and branch banks, shall be issued to stockholders, signed by the president and cashier thereof respectively, and be assignable by endorsement, under the restrictions herein provided, and transferable, with the consent of the directors, signified by permitting a transfer on their books, to be kept for that purpose, attested by the cashier or president; or such assigned certificate may be surrendered and new certificates obtained, in the name of the present holder, signed in like manner. Stock shall likewise be subject to execution and sale, as other personal property, but in all cases shall be subject to a lien in favor of the state, for all debts bona fide due, or to become due in conformity with the obligation incurred by the state.

And the bank book containing the only valid transfer of stock to be made as aforesaid, shall, during the usual hours of business, be free for the examination of all persons, and a refusal of any officer, having charge of said stock book, to permit the same to be examined on demand, shall be an offence, and cause a forfeiture of the sum of one hundred dollars, to be recoverable, on the testimony of the person whose demand, made as aforesaid, was refused; which fine, for every such refusal, shall be paid over as other fines are, according to existing laws.

Sec. 9. It shall not be lawful for said bank or branch banks, or either of them, to take a hypothecation of any capital stock, as security for any loan or discount; and no person shall be accommodated with a loan, while in arrears for discounts had, either on his own account, or as indorser; nor shall paper of any one pass in bank, unless he, she or they agree to pay up arrears to the bank, out of the sum asked or loaned.

Sec. 10. Said state bank and branches, when located and organized, to be a body corporate and politic, ultimately separate and distinct from each other, only so far as regards dividends to stockholders and district arrangement, as herein provided, with power to sue and be sued, plead and be impleaded, in any court of law or equity, having jurisdiction, and to transact all lawful business herein permitted them to do; the said state bank by the name of "The state bank of Indiana," and each of the branches by the name of "The branch of the state bank of Indiana; at
" as the case may be.

Sec. 11. The president and nine state directors and cashier, to be annually elected by joint ballot of the General Assembly, for the parent bank at Indianapolis, and the four directors and cashier, to be annually appointed for each branch bank, by the said president and directors of said parent bank as aforesaid, shall, before entering on their several duties, take and subscribe the following oath, to wit: "You do solemnly swear that you will faithfully, diligently and impartially, execute and discharge the duties of a [president, director or cashier, of the bank of the state of Indiana, as the case may be, or branch of the state bank of Indiana, at
] according to law, and to the best of your ability;" which oath shall be taken by every president, director and every officer of said bank and branches, and the certificate of having taken the same, shall be entered on the minute book of said bank and branch banks respectively, and the president and each director, to be appointed on behalf of the state, for the parent bank, and the branch banks, shall give bond with certain freehold securities, in the penal sum of ten thousand dollars each, and the cashier of said parent bank and of each branch bank, shall each give bond in like manner, in the penal sum of sixty thousand dollars, to the satisfaction of the Governor, Treasurer and Auditor of this state, conditioned for the faithful performance of their several duties.

Sec. 12. The said bank and the respective branches, when duly organized, shall each have power to carry on the business of banking, by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold, silver, bullion, foreign coins and foreign and domestic bills of exchange, by issuing bills, notes and other evidences of debt, in manner and forms herein provided, and by exercising such other incidental powers as shall be necessary to carry on such business, not inconsistent with the laws of this state and the United States.

Sec. 13. The real estate which it shall be lawful for said bank and each of its branches, to purchase, hold and convey, shall be 1st. Such as shall be required for its immediate accommodation, in the convenient transaction of its business; or 2d. Such as shall have been mortgaged to it in good faith, by way of security for loans or for monies due; or 3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted, in the course of its dealings; or 4th. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and the said bank or branches shall not purchase, hold or convey real estate in any other case or for any other purpose.— And all such real estate, not absolutely necessary for the convenient discharge of its business, shall be set up at least once a year, at public sale, and shall be sold, if the same will bring the amount of the debt, interest and costs for which the same may have been bought, received or taken by the bank.

Sec. 14. In the renewal of notes, or other claims in favor of the bank or any branch thereof, the securities shall never be lessened.

Sec. 15. The bank and branch banks, shall each respectively, redeem with specie, if demanded within usual banking hours, its notes issued, as herein provided, and a failure so to do, shall entitle the holder of the note or notes, which shall not be so paid, to twelve and a half per centum per annum, until payment is made. All deposits made, shall be paid in money, equal in value to that deposited at the time the deposit may have been made, except in cases of special deposit, which shall be returned to the owner, according to proviso. A failure or refusal to pay in either case, when requested thereto, in usual banking hours, shall subject the bank or branches to the payment of twelve and a half per centum on such deposits, and interest until paid. The bank or branch bank, failing to meet and pay its obligations, or failing to realize a safe dividend of clear gain annually, may be closed by the General Assembly, as is herein directed in case of insolvency.

Sec. 16. There shall be no stay of execution or judgments, against attorneys or others, holding money collected for the bank or any branch thereof; nor shall there be any stay on executions against the bank or a branch thereof, for notes payable or deposits made therein.

Sec. 17. The profits arising at the parent bank and each branch thereof, after payment of expenses, payment of the interest on the state loan, and reservation for a contingent fund, shall be divided between the state and stockholders, according to the amount of stock owned by each, in the several institutions. The dividends accruing to the state, to be applied as herein directed, and the dividends accruing to the stockholders to be paid on demand.

Sec. 18. For the purpose of enabling all enterprizing citizens of this state, to be accommodated by the bank or its branches, without withdrawing their funds from present investment, each individual over the age of twenty-one years, who has resided one year previous within the state, and whose business lies therein, shall be entitled, at discretion, to a loan for five years, on pledging real estate at one half its estimated value, to the satisfaction of the directors, and collateral personal security to exist and be in force until the final redemption of the loan. Such loans shall be called permanent loans, on which interest shall be paid semi annually, together with ten per centum of the principal.

Sec. 19. A failure to pay any instalment, or any such permanent loan, shall subject the note given therefor to suit, and a recovery may be had for the whole amount thereof and interest; and in such case, the mortgage given therefor, shall be forthwith foreclosed, and the premises mortgaged, sold for the payment of the whole debt and interest.

Sec. 20. Said bank and branches shall charge and receive no higher rate of interest than six per centum per annum, but the same may, according to bank rules, be discounted and taken in advance, out of the sums loaned.

Sec. 21. All notes issued by the said bank and branches, shall be numbered and signed by the president and cashier of the parent state bank, those charged to the branches, shall be dated and filled up at each branch respectively, and payable to order or bearer, on demand; if to order, shall be indorsed by the person to whom made payable; and no note of a less denomination than five dollars shall be issued.

Sec. 22. There shall be in said bank and branches, an account created in favor of the state, to be denominated "The common school fund of Indiana," which shall consist of all the nett semi-annual dividends of the profits accruing to the state, deducting all proper drawbacks on her stock, which fund shall be passed to her credit, to be devoted by law, in due time, to sustain primary free schools, or may, in the first instance, be preserved as a fund for paying and redeeming the bonds of the state, at the discretion of the General Assembly.

Sec. 23. The interest accruing on the state bonds, shall be paid by said bank and branches respectively, and the said branches, shall, in due time, pay into the parent bank at Indianapolis, their respective quotas of such interest, to be deemed a part and

portion of their annual expense account; and said bank shall transmit and pay over the same, to the holders of the state bonds herein authorized, according to contract.

Sec. 24. The said bank and branches shall declare semi-annual dividends, of the clear unappropriated surplus profits of their business; but no dividend shall be paid during any suspension of specie payment by the bank or any of the branches suspending.

Sec. 25. The books of said bank and branch banks, except the minute books of the several boards and individual account books, shall be open during all business hours, to the inspection of the stockholders of each institution respectively.

Sec. 26. After the first election, no stockholder who shall not have held his stock, for which he votes, for three calendar months, previous to the day of election, shall be entitled to vote; and the number of votes to which stockholders shall be entitled in voting for directors, shall be in the proportion following, that is to say: for each and every share, not exceeding four shares, one vote; for every two shares above four shares and not exceeding thirty, one vote; for every four shares above thirty and not exceeding ninety, one vote; for every six shares above ninety and not exceeding one hundred and fifty, one vote, and for every ten shares above one hundred and fifty, one vote. But no person, co-partnership or corporation, shall be entitled to a greater number than one hundred votes. In all elections, votes may be given either in person or by proxy, but no person shall vote by proxy, more than one hundred votes, and no individual stockholder, who shall be a resident of the county where the election is to be held at the time of such election, shall vote by proxy, unless in cases of unavoidable absence, except females or minors.

Sec. 27. That any stockholder owning five shares, in his own right, and not in trust, and being a citizen of the state of Indiana, residing within the district allotted to the branch bank, and none other, may be elected director by the stockholders, unless such person shall, at the time of such election, be in arrears to said bank or branch, either on his own account, or as indorser or security for another; and if during his term of office, any director shall so become in arrears, or fail in business, remove from the state or cease to own five shares of stock, it shall be the duty of the board of directors, forthwith to vacate his seat, and appoint another in his place; and the act of so vacating his seat, shall be conclusive evidence of the justice and necessity of so doing, provided that no person shall be a director in more than one branch, at the same time, nor shall two partners be at the same time directors of the same bank or branch; nor shall any branch bank directors be eligible to the appointment of director of the parent state bank; but the state bank may select any resident citizen within the proper district, as director, on behalf of the state, whether a stockholder or not.

Sec. 28. Not less than six directors, of whom the president shall be one, shall constitute a board for the transaction of business, provided that in case of sickness or necessary absence of the president, his place may always be supplied for the time being, by any other director whom the board may appoint, when seven directors are present.

Sec. 29. All elections shall be by ballot.

Sec. 30. The president and directors shall have power to appoint such assistants and clerks as may be deemed necessary, whose duties and compensation, together with that of the president, shall be fixed by the directors.

Sec. 31. The directors of the parent bank shall have power to make and prescribe all such by-laws, rules and regulations, as they shall deem needful and proper, touching, 1st. The government of their respective institutions, and the management and disposition of its stock, business, property, estate and effects. 2d. The time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same. 3d. The duties and conduct of the officers, clerks and servants employed by the same, and 4th. All such matters as may appertain to the concerns of the said institution; provided, however that the General Assembly shall be annually informed thereof.

Sec. 32. The president and directors of the state bank, shall annually make report to the General Assembly, on the first week of its session, setting forth the situation and condition of said bank and branches, the debts due by and to each, the notes issued and the specie at command, and said reports shall be certified by the oaths of the president and cashier of said bank; and they shall likewise furnish an abstract of the reports of each of the branches of said bank, with their by-laws and regulations.

Sec. 33. The president and directors of each corporation shall not be permitted to vote on questions in which they are interested.

Sec. 34. On all applications for loans or discounts of five hundred dollars or upwards, there shall be five concurring voices out of seven, and so on in proportion, and the ayes and naes shall, at the time, be entered of record, by the cashier, on the minutes of the board, and any director wishing to rid himself of the liability incurred, shall at the time, cause his dissent to the act complained of, to be entered on the minutes of the board.

Sec. 35. No corporation of any description whatever, shall at any time, be permitted to be and remain indebted to said bank or any branch thereof, in a greater sum than two thousand dollars, for monies loaned.

Sec. 36. That for the purpose of providing funds on the part of the state, to pay her subscription to the bank and branches herein contemplated, three commissioners shall forthwith be elected by joint ballot of the Senate and House of Representatives.

with full power, as herein directed, to contract a loan, on the part of the state, of eight hundred thousand dollars, at a rate of interest not exceeding five per cent. per annum, redeemable after thirty and within fifty years, at the pleasure of the state, for the payment of which, and the interest thereon, the faith and resources of the state are hereby irrevocably pledged, and bonds shall be issued to this effect, signed by the Governor and countersigned by the Treasurer of State, payable to order or bearer for the same, under the seal of the state, countersigned by the Secretary of State, whose duty it shall be to attest and fix his seal to the same, without charge; said bonds to be so negotiated, as not to be on interest, until the money shall be required for the bank and its branches, as contemplated by this act. The interest to be paid at such times and with the principal, at such places as may be agreed upon with the contractors.

Sec. 37. The said commissioners shall contract on the best terms to be had, for the engraving and printing of suitable notes for said bank and branches, to double the amount of the capital authorized by this act, and shall purchase for the use thereof, a suitable iron chest, in which they shall place said bank paper, and the plates or dies procured to stamp the same, and said chest, with the contents as aforesaid, shall be delivered over to the president and directors of the parent bank, who shall forthwith pay the cost of said chest, and charge the cost of the paper and plates to the bank and branches respectively, in due proportion. The plates or dies aforesaid, to be securely boxed and sealed up and retained without molestation, subject to the future order of the General Assembly. Said commissioners shall keep a record of all their proceedings, had in respect to the trust conferred by this act, and shall make a full report thereof, to the next General Assembly, when the duties of their agency shall terminate.

Sec. 38. The said commissioners shall be entitled to receive for the services herein required of them, such compensation as may be deemed reasonable by the president and directors of the parent bank, and also their expenses to be paid by the parent bank and charged to the branches in proportion to their capital stock.

Sec. 39. If sufficient stock shall not be taken or being taken, the requisite sum of thirty thousand dollars, shall not be paid in at any or either of the bank branches aforesaid, whereby a surplus of said state loan, shall remain in the hands of the parent bank, or if it be ascertained that an increase of capital can be safely and advantageously invested at any of said branches duly organized, the said parent bank directors shall divide such surplus among such of said branches herein authorized, as shall so organize, pay in and secure their stock as aforesaid, and shall pay the same over to such branch, to be kept as on deposit, until such branch shall or may thereafter comply with the requisitions of this act, and said parent bank directors may, at their discretion, increase the bank

capital at each place, taking duplicate receipts or certificates therefor, one of which shall be filed with the treasurer of state.

Sec. 10. In case any point authorized to secure the location of a branch bank, on the taking up and paying thirty thousand dollars for stock, shall fail to subscribe and pay said amount, it shall be lawful, after one year, from the time of such failure, for any number of the citizens of such district, to make application to the president and directors of the parent bank, and on satisfying them as in this act directed, that said sum of thirty thousand dollars is paid, upon stock subscriptions, the parent bank appointments, and subscription of capital and full organization of such branch, shall then be regulated and take place in like manner as is already provided, in case no such failure in the first instance had occurred; and said branch shall be entitled to the privileges and power, and be subject to the same obligations and restrictions as other branches; but the General Assembly shall not authorize or establish any additional branch to those herein designated for and during ten years ensuing the approval of this act; provided that when satisfied of the utility of an additional branch, to be located in that district of country, north of the Wabash river, the right to create and establish it, is hereby reserved.

Sec. 41. In case of death, resignation or permanent removal out of the state, of any president or director, the directors of the parent bank shall elect a president out of their own body, and appoint a director, who shall qualify as required and prescribed by this act, to serve until the next election by the General Assembly; and the directors of the branch banks shall fill vacancies under like circumstances, in the same manner, and under like rules and provisions.

Sec. 42. If any time hereafter, it may be found expedient by the Legislature, to increase the amount of stock by subscriptions from individuals, or capital furnished by the state, it shall be lawful so to do, and to authorize the procuring and emission of paper to twice the amount of such additional stock and capital.

Sec. 43. It shall be the duty of the treasurer of state, to visit and thoroughly inspect the condition and all the affairs of the parent bank at Indianapolis, and relatively at the branches as by them reported, in the months of November of each and every year; with power to examine upon oath, which he is hereby personally authorized to administer, the officers, servants or agents of said corporation, or any other person in relation to the same. And he shall make report to the next General Assembly, without disclosing therein, the name of any of the debtors to said institution, or any information obtained by such examination, except such as is necessary to be known for useful purposes to the Legislature, to shew the actual condition of said bank and branches, by ascertaining the situation of their joint and several accounts with each other, and in relation to each; the amount of available funds on

hand, designating each kind; the amount of notes discounted; the amount of bills of exchange; the amount and condition of the surplus fund; the amount of notes in circulation; the number of officers and servants and the amount of compensation to each; the amount of rents paid, if any; the value of houses used for banking purposes; the value of other real estate, and whether the same has been regularly offered for sale, as by this act required, and such other matters as shall by him, be deemed material and important.

Sec. 44. Every officer, agent or clerk of said bank and branches, who shall knowingly and wilfully, make false statements or false entries in the books of such corporations, or shall wilfully and knowingly, exhibit false papers with intent to deceive said examiner, as to the condition of said corporation, or shall make false reports as herein required, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the state prison, for such term of years as the jury trying the case, may think proper; and likewise any state officer or bank director, wilfully and knowingly making any false report required of him by this act, shall be deemed guilty of felony, and subjected to like penalties.

Sec. 45. If said examiner shall ascertain, in any manner, that any of said corporations are insolvent, or shall have violated any of the provisions of this act, or of any other act, binding on said corporations, the said examiner shall immediately apply to the supreme court of this state, upon bill or petition, for an injunction against such incorporation or its officers, and the court shall have full power and authority, on such petition being verified by the oath of said examiner, to enjoin the officers of said bank or branch, and all others, from the further transaction of business, at such bank or branch, and to appoint a receiver, who shall take charge of the effects and funds of such bank or branch, and collect its debts, and apply the same in discharge of the debts due therefrom, under the direction of said court, in the same manner as the auditor and treasurer of state, are required to do by the laws of this state, in regard to corporate bodies that shall be dissolved, and the same rights, powers, privileges and liabilities, as provided by said laws, shall, in like manner, vest in and attach to the state of Indiana, to be exercised as aforesaid.

Sec. 46. The treasurer of state shall be allowed the sum of one hundred and fifty dollars per annum, for the services herein required to be performed by him, to be paid out of the interest accruing to the safety fund.

Sec. 47. There shall be created and continued a fund, to which the principal bank and each branch shall on or before the first day of January in each year, contribute and pay to the treasurer of this state, a sum equal to one half of one per cent. on the capital stock of such bank or branch.

Sec. 48. The cashier of the parent bank, at Indianapolis, shall receive, as a compensation for his services, the sum of one thousand dollars per annum, and the cashier of the several branch banks, shall each receive for their services, the sum of seven hundred and fifty dollars per annum.

Sec. 49. This act of incorporation, with the essential banking privileges it creates, shall continue for thirty years, from the second Monday in January, 1833; provided, however, that if it shall appear to a future General Assembly, that any grant of power, embraced therein, is injurious to the general interests involved, the power is now distinctly reserved, to amend it at any time after two years, and to prescribe such rules and regulations, for the government of all its affairs, from time to time, as may be deemed meet and proper.

Mr. Robb moved to amend the proposed amendment, by striking out 800,000, and in lieu, inserting 480,000.

Which amendment was admitted by general consent.

A division of the question being called for, the question was put on striking out the original bill.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Leviston, M'Carty, Pennington, Robb and Whitcomb—11.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feony, Hanna, Hendricks, Herod, Hillis, Jessup, Lemon, Long, Orr and Pollock—15.

So said bill of the House was not stricken out from the enacting clause.

Mr. Graham moved that said bill lie on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Jessup, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—13.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Long, Orr and Pollock—13.

The Senate being equally divided, the President voted in the negative.

So said bill was not laid on the table.

The question recurred, shall said bill be read a third time to-morrow?

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long and Pollock—13.

And those who voted in the negative are,

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—13.

The Senate being equally divided, the President voted in the affirmative.

So said bill was ordered to a third reading to-morrow.

On motion of Mr. Whitcomb, a bill of the House, providing for the sale of certain reserved lands, was taken from the table, amended in sundry particulars by consent and passed.

Mr. Hanna, from the select committee, to which was referred a bill to incorporate the St. Joseph orphan asylum, now reported the same with amendments.

Which were read, concurred in and the bill passed.

On motion of Mr. Ewing, the committee of the whole were discharged from the further consideration of an act supplemental to an act to establish a college in the state of Indiana.

Mr. Pennington moved that the further consideration of said bill, be postponed till the 1st Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Clark, Farrington, Frisbie, Graham, Lemon, Orr, Pennington and Pollock—8.

And those who voted in the negative, are

Messrs. Chambers, Dumont, Ewing, Feeny, Givens, Hanna, Herod, Hillis, Hoover, Jessup, Long, Morgan, Robb and Whitcomb—14.

So said bill was not postponed.

Said bill was then read a third time and passed.

On motion of Mr. M'Carty, the committee of the whole were discharged from the further consideration of a bill to incorporate the Harrison and Indianapolis turnpike company.

Said bill, on motion of Mr. M'Carty, was amended, read a third time and passed.

On motion of Mr. Lemon, the committee of the whole were discharged from the further consideration of a bill for the incorporation of the Western Union seminary.

Mr. Clark moved to amend said bill by striking out the 8th section thereof, which provides that no clergyman, of any religious sect whatever, shall exercise the office of president, professor or preceptor in said institution.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Chambers, Clark, Dumont, Ewing, Frisbie, Hanna, Herod, Hillis, Jessup, Orr, Pennington and Robb—14.

And those who voted in the negative, are

Messrs. Farrington, Feeny, Givens, Graham, Hoover, Lemon, Leviston, Long, M'Carty and Whitcomb—10.

So said section was stricken out.

Said bill was then read a third time passed.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives recede from their 1st and insist upon their 2d amendment to the engrossed bill of the Senate, supplemental to an act to provide for the erection of a state house.

They concur in the amendments made by the Senate to the engrossed joint resolution of the House, authorizing the suspension of a suit against Julius Johnson and others, and for the benefit of state debtors.

They have passed an engrossed bill of the House, for the relief of Mary Ann Hamilton.

They disagree to the two first amendments of the Senate to the engrossed bill of the House to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831, and concur in their third amendment to said bill, with an amendment.

In which, and the said bill of the House, for the relief of Mary Ann Hamilton, the concurrence of the Senate is requested.

Mr. Pennington moved that the Senate recede from their disagreement to the 2d amendment of the House, to the bill first above reported.

Which motion did not prevail.

On motion of Mr. Hillis, the Senate insist upon their said disagreement to the amendment aforesaid.

Mr. Beard, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts and a memorial as follows, to wit:

An act to establish a state road from Bloomington, in Monroe county, via Bales' ferry, to Leesville, in Lawrence county;

An act to legalize the appraisement and sale of a part of the S. E. qr. of Sec. 16, Town. 12, of range 6, E. in Shelby county;

A memorial to the Congress of the United States, on the subject of relinquished lands;

An act for the relief of Thos. Pogue;

An act supplemental to the act to establish a state road from the county seat of Grant, to the county seat of Elkhart county;

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of unproductive 16th sections;

An act to locate a state road from Anderson town, in Madison county, to Logansport, in Cass county;

An act to authorize and require the seminary trustee of the county of Scott, and the treasurer of the library of said county, to loan certain monies within their control;

An act to establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, via Greenville, in Floyd county;

An act to locate a state road from Lagrange, in Tippecanoe county, to the state road leading from Williamsport, in Warren county, to Chicago, in the state of Illinois;

An act for the construction of a bridge over Mill creek, in Owen county;

A preamble and joint resolution in relation to horses lost by rangers and voluntary militia of Indiana;

An act changing the times for holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits;

An act to re-locate so much of the Knightstown state road as lies between Pendleton, in Madison county and Strawtown, in Hamilton county;

An act to establish a state road from Madison, in Jefferson county, to Paoli, in Orange county;

An act to provide for the election of a justice of the peace, in the town of St. Omer;

An act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville, in Floyd county;

An act to incorporate the liberty school society;

An act to locate a state road from New Castle, in Henry county, to Munceytown, in Delaware county;

An act to quiet certain titles in Mount Vernon, and for the benefit of Thos. Givens;

An act to re-locate a part of the Mauk's ferry state road;

An act to appropriate part of the three per cent. fund in the county of Morgan;

An act to establish a state road from Frankfort, to a point in the Michigan road, and for other purposes;

An act to locate a state road from Centreville, in Wayne county, to a certain point in Henry county;

An act to authorize the expenditure of the three per cent. fund heretofore appropriated for the county of Adams;

And find the same truly enrolled.

A bill of the House, for the relief of Mary Ann Hamilton, was read.

Mr. Whitcomb moved that the same be rejected.

Which motion was decided in the negative.

Mr. Beard moved to lay the same on the table.

Which motion was negatived.

The bill was then read a second time.

Mr. Long moved that the bill be read a third time now.

Which motion was carried in the affirmative.

And on the question, shall said bill?

Those who voted in the affirmative, are

Messrs. Chambers, Farrington, Feeny, Frisbie, Givens, Hanna, Hendricks, Herod, Hillis, Hoover, Jessup, Lemon, Leviston, Long, M'Carty, Orr, Pennington, Pollock and Robb—19.

Those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Graham and Whitcomb—7.

So said bill passed.

Mr. Pennington moved that the Senate insist on their amendments to the engrossed bill of the House, entitled an act to amend an act regulating the interest of money in the state of Indiana.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, Jessup, Leviston, Long, Orr, Pennington and Robb—15.

And those who voted in the negative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendricks, Hillis, Lemon, Pollock and Whitcomb—10.

So the Senate insisted on their said amendments.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill concerning legal process.

In which I am instructed to ask the concurrence of the Senate.

Said bill was read three times and passed.

Also, the following, by the same gentleman:

MR. PRESIDENT:

The House of Representatives have passed with amendments to each, engrossed bills of the Senate, to reduce the salary of the agent of the 3 per cent. fund, and for the establishment of the St. Joseph orphan asylum.

In which amendments, the concurrence of the Senate is requested.

On motion the Senate disagree to the amendments of the House, to the first bill named in the last message, and concur in the amendments to the last named bill.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed an enrolled bill changing the time of holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits, I am directed to bring it to the Senate, for the signature of their President.

Said bill having been signed by the President, was handed to the proper committee.

On motion, the Senate disagree to the two first amendments proposed by the House to the bill of the Senate, entitled an act to reduce the salary of the agent of the 3 per cent. fund.

Mr. Robb moved to amend the third amendment to said bill, by striking out therefrom, 'viva voce,'

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Chambers, Clark, Dumont, Givens, Graham, Hanna, Hendricks, Herod, Jessup, M'Carty, Pennington Pollock and Robb—14.

Those who voted in the negative, are

Messrs. Beard, Farrington, Feeny, Frisbie, Hillis, Hoover, Lemon, Leviston, Long, Orr and Whitcomb—11.

So said amendment was amended.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in all the amendments of the Senate, to the engrossed bill of the House, to provide for the sale of certain lands therein named, except the 3d, to which they disagree.

They adhere to their second amendment to the engrossed bill of the Senate, supplemental to an act to provide for the erection of a state house.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

His Excellency the Governor has approved and signed an act to authorize the Governor to commence suits in the Dearborn circuit court to recover the possession and title to certain lands belonging to the state; and an act to amend the act to provide for electing county and township officers, approved Jan. 30, 1831; both of which originated in the Senate.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the engrossed bill of the House, to amend the road law, and for other purposes.

The Speaker of the House of Representatives having signed the following enrolled bills, &c. I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to quiet certain titles in Mount Vernon, and for the benefit of Thos. Givens;

An act to authorize and require the seminary trustee of the county of Scott, and the treasurer of the library of said county, to loan certain monies within their control;

An act to re-locate a part of the Mauk's ferry state road;

A preamble and joint resolution in relation to horses lost by rangers and volunteer militia of Indiana;

An act to establish a state road from Madison, in Jefferson county, to Paoli, in Orange county;

An act to incorporate the liberty school society;

An act to locate a state road from New Castle, in Henry county, to Munceytown, in Delaware county;

An act to provide for the election of a justice of the peace, in the town of St. Omer;

An act to locate a state road from Andersontown, in Madison county, to Logansport, in Cass county;

An act supplemental to the act to establish a state road from the county seat of Grant, to the county seat of Elkhart, approved Jan. 24, 1832;

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of unproductive 16th sections;

An act to re-locate part of the Martinsville, Danville and Frankfort state road, and for other purposes;

An act to locate and establish a state road from the Fort Wayne road near Stephen Stutman's, by the way of the mouth of Elkhart river, to the state line, in the direction of Edwardsburgh, in Michigan territory;

An act incorporating congressional townships and providing for public schools therein;

An act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville, in Floyd county;

An act to locate a state road from Lagrange, in Tippecanoe county, to the state road leading from Williamsport, in Warren county, to Chicago, in the state of Illinois;

An act to establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, via Greenville, in Floyd county;

An act for the construction of a bridge over Mill creek, in Owen county;

An act to re-locate so much of the Knightstown state road as lies between Pendleton, in Madison county and Strawtown, in Hamilton county;

Said bills having been signed by the President, were handed to the committee on enrolled bills, for presentation to the Governor.

On motion of Mr. Chambers, the Senate insist on their 3d amendment to the bill of the House, to provide for the sale of certain lands therein named, and they recede from their disagreement to the 2d amendment of the House to the bill of the Senate supplemental to an act to provide for the erection of a state house.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed, without amendment, an engrossed bill from the Senate, in relation to the Secretary and Treasurer of State, and for other purposes.

The Speaker of the House of Representatives having signed the following enrolled bills, &c. I am directed to bring them to the Senate, for the signature of their President, to wit:

An act for the relief of Thos. Pogue and others;

A memorial to the Congress of the United States, on the subject of relinquished lands;

An act to establish a state road from Bloomington, in Monroe county, via Bales' ferry, to Leesville, in Lawrence county;

An act to legalize the appraisement and sale of a part of the S. E. qr. of Sec. 16, Town. 12, of range 6, E. in Shelby county;

An act to establish a state road from Frankfort, to a point in the Michigan road, and for other purposes;

An act to authorize the expenditure of the three per cent. fund heretofore appropriated for the county of Adams;

An act to locate a state road from Centreville, in Wayne county, to a certain point in Henry county, and

An act to appropriate part of the three per cent. fund in the county of Morgan.

And on motion,

The Senate adjourned.

SATURDAY, FEBRUARY 2, 1833.

The Senate assembled.

Mr. Beard submitted for adoption, the following resolution:

Resolved, That the Treasurer of State be requested to prepare and lay before the Senate, during the first week of their next session, an estimate of the probable amount of monies arising from the sales of seminary lands, salt lick lands, and school lands and such other available funds as are or may be at the disposal of the state, without embarrassing the treasury by contracting loans on the faith of the state, and report whether in his opinion, it would be for the interest of the people, to vest those funds as capital stock in a banking institution, under the management and control of the General Assembly, or such officers as they might appoint.— And whether in his opinion, it would be for the interest of the state or people, to provide for the establishment of branches, with individual stockholders, as contemplated by the constitution, and whether in his opinion, the several funds thus vested, might not thereby be made more productive for the great objects of education, under the guarantee of the state, and whether in his opinion, an issue of paper, to double the amount of the capital thus vested would be sufficient to meet the wants of our citizens.

Mr. Hillis moved that said resolution lie on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Chambers, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Lemon, Long, Orr and Pollock—12.

Those who voted in the negative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Frisbie, Givens, Graham, Leviston, M'Carty, Pennington, Robb and Whitcomb—13.

So said resolution was not laid on the table.

The Senate proceeded to the orders of the day.

A bill of the House, for the establishment of a state bank, was considered as read a third time.

Mr. Beard moved to recommit said bill to a select committee, with instructions to strike out therefrom, the canal fund commissioners.

Mr. Robb moved to amend the amendment, by inserting in lieu of said canal fund commissioners, 'a commissioner to be elected by the General Assembly.'

Which amendment was accepted by Mr. Beard.

And on the question of re-committing said bill with said instructions,

Those who voted in the affirmative, are

Messrs. Beard, Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Pennington and Robb—12.

Those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long, Orr, Pollock and Whitcomb—14.

So said bill was not thus re-committed.

Mr. Pennington moved to re-commit said bill to a select committee with instructions so to amend the same, that there shall be but one incorporation, and the branches to be under the control of the parent bank.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Leviston, M'Carty, Pennington, Robb and Whitcomb—11.

And those who voted in the negative, are

Messrs. Beard, Blair, Chambers, Clark, Farrington, Feeny,

Hanna, Hendricks, Herod, Hillis, Jessup, Lemon, Long, Orr and Pollock—15.

So said bill was not thus re-committed.

Mr. Graham moved to re-commit said bill, with instructions to amend the same so as to give the state an equal portion of the directors in the several banks therein contemplated, in proportion to the amount of stock she may hold in each.

Mr. Robb moved to amend the proposed instructions, by striking out 'held,' and inserting 'paid in,'

Which motion to amend was decided in the negative.

And on the question of recommitting said bill with the instructions aforesaid,

Those who voted in the affirmative, are

Messrs. Beard, Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Pennington, Robb and Whitcomb—13.

And those who voted in the negative are,

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long, Orr and Pollock—13.

The Senate being equally divided, the President voted in the negative.

So said bill was not thus re-committed.

Mr. Givens moved that the further consideration of said bill be postponed until the 1st Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Dumont, Ewing, Frisbie, Givens, Graham, Hoover, Lemon, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—14.

And those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Farrington, Feeny, Hanna, Hendricks, Herod, Hillis, Jessup, Long and Pollock—12.

So said bill was thus postponed.

The following message, from the House of Representatives was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their several amendments to the engrossed bill of the Senate, to reduce the salary of the agent of the 3 per cent. fund.

They insist on their disagreement to the 1st and 2d amendments of the Senate, and upon their amendment to the 3d amendment of the Senate, to the engrossed bill of the House, to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831, and have appointed Messrs. Crume and Rariden, on the part of the House, a committee of free conference, to take into consideration, with a similar committee to be appointed by the Senate, the disagreeing votes of the two Houses, on the subject of said amendments.

On motion the Senate insist on their disagreement to the 3d amendment of the House, to the bill of the Senate, to reduce the salary of the agent of the 3 per cent. fund, and recede from their disagreement to the 1st and 2d amendments of the House, to said bill.

On motion of Mr. Graham, a committee of free conference on the part of the Senate, is appointed, to take into consideration the disagreeing votes of the two Houses, on the subject of the 3d amendment of the House, to said last named bill.

Ordered, That Messrs. Graham and Robb, be said committee.

Mr. Graham moved that the Senate insist on their several amendments to the bill of the House to amend the act regulating the interest of money in the state of Indiana.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Dumont, Farrington, Feeny, Frisbie, Graham, Herod, Hoover, Jessup, Leviston, Long, Orr, Pennington and Robb—15.

And those who voted in the negative, are

Messrs. Chambers, Clark, Ewing, Givens, Hanna, Hendrick, Hillis, Lemon and Whitcomb—9.

So the Senate insisted on their several amendments to the interest bill.

Mr. Graham moved that a committee of free conference be appointed on the part of the Senate, to take into consideration the

disagreeing votes of the two Houses, on said last named bill.
Which motion prevailed.

Ordered, That Messrs. Pennington and Farrington, be said committee.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendment made by the Senate to the engrossed bill of the House to incorporate the Harrison and Indianapolis turnpike company.

They recede from their disagreement to the 3d amendment of the Senate, to the engrossed bill of the House, to provide for the sale of certain lands therein named.

An engrossed bill of the House, supplemental to an act granting relief to purchasers of public lands, which have become forfeited to the state, was read a third time and passed.

On motion of Mr. Clark, the Senate went into a committee of their whole body, for the purpose of amending a bill of the House, making general appropriations for the year 1833, and after a short time, the committee rose, and Mr. Robb, their chairman, reported the same without amendment.

Said bill was then read a third time and passed.

Mr. Graham asked and obtained leave to introduce a bill to amend the act, entitled an act concerning the Auditor of Public Accounts and Treasurer of State;

Which was read three times and passed.

On motion of Mr. Clark, the Senate resolved itself into a committee of the whole on the bill of the House, making specific appropriations for the year 1833, and after some time occupied in the consideration of the same, the committee rose, and Mr. Whitcomb, their chairman, reported the same to the Senate with sundry amendments;

Which were severally concurred in.

Mr. Pennington, from a committee of free conference, made the following report:

M. PRESIDENT:

The committee of free conference, to which was referred the disagreeing vote between the two Houses, on the bill to amend the act, entitled an act regulating the interest of money in the state

of Indiana, approved Feb. 1, 1831, report, that they have had the subject matter referred to them, under consideration, and can arrive at no conclusion on the subject, and ask to be discharged from the further consideration of the subject.

Which report having been read, the committee were discharged.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House having signed the following enrolled bills, I am directed to bring them to the Senate, for the signature of their President, to wit:

An act to provide for the sale of certain lands therein named;

An act to amend an act, entitled an act relating to county seminaries;

An act to amend the act, entitled an act for opening public roads and highways, approved Feb. 10, 1831, and for other purposes;

An act supplemental to an act authorizing the location of a state road from Lafayette to Lake Michigan;

An act supplemental to an act, entitled, an act to authorize the building of bridges across Lick creek and Salt creek, approved Jan. 29, 1830;

A joint resolution of the General Assembly, for the benefit of state debtors;

A joint resolution authorizing the suspension of a suit against Julius Johnson and others;

An act to vacate a certain state road therein named;

An act to legalize the proceedings of the seminary trustees of Union county;

An act to locate a state road from Frenchtown, in Warren county, to Lusk's mills, in Parke county, and

An act to incorporate the South Bend bridge company.

The House have passed an engrossed bill from the Senate, for the incorporation of the Western Union seminary, with an amendment.

They have passed a bill of the House, to establish a state road from Lexington, in Scott county, to Charlestown, in Clark county, and for other purposes.

In which, and said amendment to the engrossed bill of the Senate, their concurrence is requested.

Said bills reported for the signature of the President, having been signed, were delivered to the committee on enrolled bills for presentation to the Governor.

On motion, the Senate concur in the amendment of the House to the bill of the Senate, to incorporate the Western Union seminary.

The bill last named in the message, was read twice, and

On motion of Mr. Lemon, laid on the table.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have discharged their committee of free conference, appointed with a similar committee of the Senate, to take into consideration the disagreeing votes of the two Houses, on the amendments of the Senate to the engrossed bill of the House, amending the law regulating the interest of money in the state of Indiana, and recede from their disagreement to the two first amendments, and from their amendment to the 3d amendment of the Senate to said bill.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, viz:

A joint resolution to provide for binding and distributing the acts of Congress, deposited in the office of Secretary of State;

An act supplemental to an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state, into lots and to offer the same for sale;

A joint resolution relative to the Indiana college;

An act to amend the act, entitled an act to incorporate the Richmond, Eaton and Miami rail road company;

An act to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831;

An act supplemental to the act for the regulation of the state prison, approved Feb. 10, 1831;

An act declaratory of the powers of notaries public;

And find the same truly enrolled.

Mr. Leviston, from the joint committee on enrolled bills, reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act changing the times for holding the circuit courts in the 1st, 2d, 4th, 5th and 6th judicial circuits;

An act for the relief of Thos. Pogue and others;

An act to establish a state road from Bloomington, in Monroe county, via Bales' ferry, to Leesville, in Lawrence county;

An act to legalize the appraisement and sale of a part of the S. E. qr. of Sec. 16, Town. 12, of range 6, E. in Shelby county;

An act to establish a state road from Frankfort, to a point in the Michigan road, and for other purposes;

An act to authorize the expenditure of the three per cent. fund heretofore appropriated for the county of Adams;

An act to locate and establish a state road from the Fort Wayne road near Stephen Stutman's, by the way of the mouth of Elkhart river, to the state line, in the direction of Edwardsburgh, in Michigan territory;

An act to re-locate part of the Martinsville, Danville and Frankfort state road, and for other purposes;

An act supplemental to the act to establish a state road from the county seat of Grant, to the county seat of Elkhart, approved Jan. 24, 1832;

A memorial to the Congress of the United States, on the subject of relinquished lands;

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of unproductive 16th sections;

A preamble and joint resolution in relation to horses lost by rangers and volunteer militia of Indiana;

An act to appropriate part of the three per cent. fund in the county of Morgan.

An act to locate a state road from Centreville, in Wayne county, to a certain point in Henry county;

An act incorporating congressional townships and providing for public schools therein;

An act to locate a state road from Lagrange, in Tippecanoe county, to the state road leading from Williamsport, in Warren county, to Chicago, in the state of Illinois;

An act to establish a state road from Salisbury, in Harrison county, to Providence, in Clark county, via Greenville, in Floyd county;

An act to re-locate so much of the Knightstown state road as lies between Pendleton, in Madison county and Strawtown, in Hamilton county;

An act for the construction of a bridge over Mill creek, in Owen county;

An act to quiet certain titles in Mount Vernon, and for the benefit of Thos. Givens;

An act to locate a state road from Andersontown, in Madison county, to Logansport, in Cass county;

An act to provide for the election of a justice of the peace, in the town of St. Omer;

An act to locate a state road from New Castle, in Henry county, to Munceytown, in Delaware county;

An act to incorporate the liberty school society;

An act to establish a state road from Madison, in Jefferson county, to Paoli, in Orange county;

An act to re-locate a part of the Mauk's ferry state road;

An act to authorize and require the seminary trustee of the

county of Scott, and the treasurer of the library of said county, to loan certain monies within their control.

On motion of Mr. Givens, the committee of the whole were discharged from the further consideration of a bill of the Senate, to amend an act, entitled an act for the formation of congressional districts, and for the election of Senators and Representatives in Congress, approved Jan. 7, 1831, and said bill was laid on the table.

On motion of the same gentleman, a bill of the House on the same subject, was taken up, read a third time and passed.

On motion of Mr. Hendricks, an engrossed bill of the House, for the relief of Zachariah Ferguson, Stanhope Royster and John Perin, was taken from the table, read a third time and passed.

A bill of the House, entitled an act to establish a state road from Lexington, in Scott county, to Charlestown, in Clark county, and for other purposes, was read twice, and

On motion of Mr. Lemon, laid on the table.

And on motion,

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives recede from their 3d amendment to the engrossed bill of the Senate to reduce the salary of the Agent of the 3 per cent. fund.

They have adopted the following resolution:

Resolved, That this House will, the Senate concurring therein, adjourn *sine die*, this evening.

On motion of Mr. Dumont, the following resolution was adopted:

Resolved, The House of Representatives concurring, that the Senate, will adjourn *sine die*, on Monday, the 4th inst, and that the House be informed of the adoption of this resolution.

On motion of Mr. Robb, leave of absence is granted to Mr. Farrington for the residue of the session.

Mr. Whitcomb moved the Senate to discharge the committee of the whole from the further consideration of a bill to amend the act relative to crime and punishment.

Which motion prevailed, and

On motion of Mr. Lemon, said bill was laid on the table.

On motion of Mr. Ewing; the committee of the whole were discharged from the consideration of a joint resolution to secure a safe circulating medium to the people of the United States.

Mr. Lemon moved that said resolution lie on the table.

And on this question,

Those who voted in the affirmative, are

Messrs. Clark, Feeny, Givens, Graham, Hoover, Lemon, Leviston, Pennington, Robb and Whitcomb—10.

And those who voted in the negative, are

Messrs. Beard, Blair, Dumont, Ewing, Frisbie, Hanna, Hillis, Jessup, M'Carty and Orr—10.

So said resolution was not laid on the table.

The question recurring, shall said resolution pass?

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Frisbie, Hanna, Hillis, Jessup, M'Carty, Orr and Pennington—12.

And those who voted in the negative, are

Messrs. Feeny, Givens, Graham, Hoover, Lemon, Leviston, Robb and Whitcomb—8.

So said joint resolution was adopted.

The amendments of the House, to the engrossed bill of the Senate, entitled an act to amend an act regulating the practice in suits at law, approved Jan. 29, 1831, was taken up.

On motion of Mr. Clark, the vote of the Senate, refusing to concur in that amendment of the House to said bill, which makes the filing of any bond, bill, note, &c. for the payment of money or

property, a sufficient foundation for a suit in the circuit court, was re-considered.

On motion, the said section was amended so as to strike out therefrom, all but bills and promissory notes, for the direct payment of a specific sum of money, and thus amended, the amendment was concurred in.

On motion of Mr. Whitcomb, sundry other amendments were made to the amendments of House, and thus amended were concurred in.

On motion of Mr. Lemon, the bill to establish a state road from Lexington, in Scott county, to Charlestown, in Clark county, was taken from the table,

On a motion of the same gentleman, amended, read a third time and passed.

Mr. Jessup moved that the Senate re-consider their vote, given this morning, on the resolution presented by Mr. Beard, calling on the Secretary of the Treasury, to make a report to the next General Assembly.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Blair, Clark, Dumont, Ewing, Frisbie, Givens, Graham, Hanna, Hoover, Jessup, Leviston, McCarty, Orr, Pennington, Robb and Whitcomb—17.

And those who voted in the negative, are

Messrs. Feeny, Herod, Hillis and Lemon—4.

So said vote was re-considered.

The question recurring, shall said resolution be adopted?
It was carried in the affirmative.

On motion of Mr. Jessup, the vote of the Senate, postponing a bill for the relief of James M'Farland, was re-considered.

On motion of the same gentleman, the said bill was amended and the bill passed.

On motion of Mr. Dumont, the following resolution was adopted.

Resolved, That when the Senate adjourn, it will adjourn to meet at six o'clock this evening.

On motion, the committee of the whole were discharged from considering an engrossed joint memorial on the subject of a road

from Harrison to Louisville, Indiana, and said resolution was laid on the table.

The following message, from the Governor, was delivered by Mr. Maguire:

MR. PRESIDENT:

The Governor has approved and signed acts, which originated in the Senate, of the following titles, viz:

An act to incorporate congressional townships and providing for public schools therein;

An act supplemental to the act, entitled an act to establish a state road from the county seat of Grant, to the county seat of Elkhart, approved Jan. 24, 1832;

An act to legalize the appraisalment and sale of the S. E. qr. of section 16, town 12, of range 6, E. in Shelby county;

An act to establish a state road from Bloomington, in Monroe county, by the way of Bales' ferry, to Leesville, in Lawrence county;

An act for the relief of Thomas Pogue and others;

And also memorials of the following titles, viz:

A memorial to the Congress of the U. States, on the subject of relinquished lands;

A memorial of the General Assembly of the state of Indiana, to the Congress of the U. S. on the subject of unproductive 16th sections.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives disagree to the first amendment of the Senate, to the bill of the House, making specific appropriations for the year, 1833, and concur in all the other amendments made by the Senate, to the said bill; to the 13th, 18th, 19th and 20th with an amendment to each, in which the concurrence of the Senate is requested; to the others generally.

On motion of Mr. Blair, the Senate insist on their 1st amendment to the bill making specific appropriations for the year 1833, and concur in the other amendments of the House.

On motion of Mr. Graham, the vote of the Senate just given, was re-considered.

Mr. Graham moved to add to the last amendment of the House to said bill, the following:

That the Auditor of Public Accounts and Treasurer of State, be allowed one hundred dollars each, in addition to their respective salaries, for services to be rendered in the year 1833.

Mr. Whitcomb moved to amend the amendment proposed by Mr. Graham, by the following:

That John W. Lee, of Monroe county, be allowed, in addition to his aforesaid allowance of twenty-five dollars, the further sum of thirty-five dollars, in full of costs recoved against him as superintendent of the seminary lands in said county, and of his services as such.

Which motion was decided in the negative.

The question recurring, shall the amendment proposed by Mr. Graham, to the amendment of the House, be adopted?

It was carried in the affirmative.

On motion of Mr. Whitcomb, the committee of the whole were discharged from considering a bill to amend an act, entitled an act relative to foreign attachments, and said bill was read a third time and passed.

On motion, the committee of the whole were discharged from the further consideration of an engrossed bill of the House, to amend the act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831.

Mr. Graham moved to amend the amendments reported by the judiciary committee to said bill, by striking out "circuit court," wherever it occurs in the said bill, and in lieu, insert 'board doing county business.'

Which motion did not prevail.

Mr. Graham moved that said bill be postponed until the 1st Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Beard, Dumont, Ewing, Givens, Graham, Hendricks, Jessup, Lemon, Pennington and Robb—10.

And those who voted in the negative, are

Messrs. Blair, Chambers, Clark, Feeny, Frisbie, Hanna, Herod, Hillis, Hoover, Leviston, Long M'Carty, Orr and Whitcomb—14.

So said bill was not postponed.

On motion of Mr. Whitcomb, the bill was read a third time now.

And on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Chambers, Clark, Dumont, Feeny, Frisbie, Hanna, Hillis, Hoover, Leviston, Long, M'Carty, Orr, Robb and Whitcomb—15.

Those who voted in the negative, are

Messrs. Beard, Blair, Ewing, Givens, Graham, Hendricks, Lemon and Pennington—8.

So said bill passed.

On motion of Mr. Whitcomb, a bill of the Senate to authorize the Vigo circuit court, to change the venue in a certain case therein named, was taken from the table, read a third time and passed.

On motion of Mr. M'Carty, a bill of the Senate to amend an act to regulate marriages, approved Feb. 4, 1831, was taken up and the committee of the whole discharged from the further consideration of the same.

Said bill was read a third time and passed.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills, &c. I am directed to bring them to the Senate, for the signature of their President, to wit:

- A joint resolution concerning the state library;
- An act concerning legal process;
- An act for the relief of Mary Ann Hamilton;
- An act to encourage the apprehension of horse thieves;
- A joint resolution of the General Assembly relative to procuring tract books and maps of the purchase of 1828;
- An act to amend the act, entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831;
- An act to locate a state road therein named;
- An act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand Coulee;
- An act for the relief of Mary Lane, widow of Daniel C. Lane, late treasurer of state;

An act to establish the St. Joseph Orphan Asylum;
 An act in relation to the Secretary and Treasurer of State, and for other purposes;

An act to provide an executive officer of the supreme court;

An act to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831;

An act to amend the act, entitled an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state, approved Jan. 21, 1828;

An act making general appropriations for the year 1833, and

An act to establish a state road from Shelbyville, in Shelby county, by the way of Goshen and Newbern, in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mill, in Jennings county.

Said bills having been signed by the President, were handed to the committee on enrolled bills, for presentation to the Governor.

The following message, from the House of Representatives was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, I am instructed to bring them to the Senate for the signature of their president, to wit:

An act to incorporate the Western Union seminary;

An act supplemental to an act to provide for the erection of a state house;

An act for the encouragement of education;

An act to reduce the salary of the agent of the 3 per cent. fund, and

A joint resolution authorizing the Secretary of State to purchase a complete set of Niles' Register, for the use of the state library.

The House reciprocate the resolution of the Senate, to adjourn sine die, on Monday next.

The bills above reported, having been signed by the President, were delivered to the committee on enrolled bills, for presentation to the Governor.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to reduce the salary of the agent of the 3 per cent. fund;

An act supplemental to an act to provide for the erection of a state house;

An act for the encouragement of education;
 An act for the incorporation of the Western Union seminary;
 A joint resolution authorizing the purchase of a complete set of Niles' Register;

And find the same truly enrolled.

Mr. Leviston, from the joint committee on enrolled bills, reported, that they did, on this day present to the Governor for his approval and signature, the following enrolled acts, to wit:

An act to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831;

An act to establish a state road from Shelbyville, in Shelby county, via Goshen and Newbern, in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mills, in Jennings county;

An act to amend the act, entitled an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state, approved Jan. 21, 1828;

An act making general appropriations for the year 1833;

An act for the relief of Mary Ann Hamilton;

An act to encourage the apprehension of horse thieves;

An act to amend the act entitled an act to organize the militia of the state of Indiana, approved Feb. 10, 1831;

An act to provide an executive officer for the supreme court;

An act in relation to the Secretary and Treasurer of State and for other purposes;

An act to incorporate the Western Union seminary;

An act for the encouragement of education;

An act to reduce the salary of the agent of the three per cent. fund;

An act concerning legal process;

An act to establish the St. Joseph orphan asylum;

An act for the relief of Mary Laue, widow of Daniel C. Lane, late treasurer of state;

An act to establish a levee from the town of Vincennes, through the lower prairie near the Wabash river, to the Grand Coulee;

An act to locate a state road therein named;

A joint resolution concerning the state library;

A joint resolution of the General Assembly relative to procuring tract books and maps of the purchase of 1828;

An act supplemental to an act to provide for the erection of a state house;

A joint resolution authorizing the secretary of state to purchase a complete set of Niles' Register, for the use of the state library;

On motion of Mr. Leviston, a bill for the relief of Ann M. Smith, was taken up and read a third time, and on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Chambers, Feeny, Hanna, Herod, Hillis, Hoover, Lemon, Leviston, Long, M'Carty, Orr, Pennington, and Whitcomb—13.

And those who voted in the negative are,

Messrs. Beard, Blair, Clark, Dumont, Ewing, Frisbie, Givens, Graham, Hendricks, Jessup and Robb—11.

So said bill passed.

On motion of Mr. Clark, the committee of the whole were discharged from the further consideration of a bill to amend the act to regulate marriages, approved Feb. 4th, 1831.

Said bill was read a third time, and on the question, shall said bill pass?

It was determined in the negative.

On motion of Mr. M'Carty, the committee of the whole were discharged from the consideration of a bill to amend the act regulating distress for rent.

Said bill was read a third time, and on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Blair, Clark, Dumont, Frisbie, Graham, Hanna, Hendricks, Herod, Hillis, Jessup, Leviston, M'Carty, Orr, Pennington, Robb and Whitcomb—16.

Those who voted in the negative, are

Messrs. Givens and Lemon—2.

Said bill was declared passed.

Mr. Hoover, from the joint committee on enrolled bills, reported that they have compared the enrolled bills with the engrossed bills, as follows, to wit:

An act to locate a state road from Frenchtown, in Warren county, to Lusk's mills, in Parke county;

An act supplemental to an act, entitled, an act to authorize the building of bridges across Lick creek and Salt creek, approved Jan. 29, 1830;

An act supplemental to an act authorizing the location of a state road from Lafayette to Lake Michigan;

An act to amend the act, entitled an act for opening public

roads and highways, approved Feb. 10, 1831, and for other purposes;

An act to vacate part of a certain state road therein named;

A joint resolution authorizing the suspension of a suit against Julius Johnson and others;

A joint resolution of the General Assembly, for the benefit of state debtors;

An act to amend an act, entitled an act relating to county seminaries;

An act to legalize the proceedings of the seminary trustees of Union county;

An act to provide for the sale of certain lands therein named;

An act to incorporate a company to build a bridge across the St. Joseph river at the South Bend;

An act to amend an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state;

An act making general appropriations for the year 1833;

An act establishing a state road from Shelbyville, by the way of Goshen and Newbern, in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mills, in Jennings county;

An act to amend an act, entitled an act regulating the interest of money in the state of Indiana, approved Feb. 1, 1831.

Mr. Hoover, from the joint committee on enrolled bills, reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to amend an act, entitled an act relating to county seminaries;

A joint resolution of the General Assembly for the benefit of state debtors;

An act to amend the act for opening public roads and highways;

An act to provide for the sale of certain lands therein named;

An act to vacate a certain state road therein named;

An act to legalize the proceedings of the seminary trustees of Union county;

An act supplemental to an act, entitled an act to authorize the building of a bridge across Lick creek and Salt creek;

An act supplemental to an act authorizing the location of a state road from Lafayette to Lake Michigan;

A joint resolution authorizing the suspension of a suit against Julius Johnson and others;

An act to locate a state road from Frenchtown, in Warren county, to Lusk's mill, in Parke county;

An act to incorporate the South Bend bridge company.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in all the amendments made by the Senate to the amendments of the House to the engrossed bill of the Senate, to amend an act, entitled an act regulating the practice in suits at law.

Also, the following, by the Enrolling Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the engrossed bills of the House, for the relief of James M'Farland, and to establish a state road from Lexington, in Scott county, to Charlestown, in Clark county, and for other purposes.

They insist upon their disagreement to the 1st amendment of the Senate, to the engrossed bill of the House, making specific appropriations for the year 1833, and have appointed Messrs. Crume and Carter of O. a committee of free conference on the part of the House, to take into consideration, with a similar committee to be appointed by the Senate, the disagreeing vote of the two Houses on the subject of said amendments.

They disagree to the amendment of the Senate, to the amendments of the House to the amendments of the Senate to said bill.

On motion, the Senate insist on their 1st amendment to the bill of the House making specific appropriations for the year 1833, and appoint a committee of free conference, to take into consideration the disagreeing votes of the two Houses, in reference to said 1st amendment.

Ordered, That Messrs. Feeny and Blair be said committee of free conference.

On motion, the Senate insist on their amendment to one of the amendments of the House, to an amendment of the Senate, to the bill of the House, making specific appropriations for the year 1833, and that a committee of free conference be appointed, to take into consideration the disagreeing votes of the two Houses, in reference to said amendment of the Senate to the amendment of the House to the amendment of the Senate, to the bill aforesaid.

Ordered, That Messrs. Graham and Blair be said last named committee of free conference.

And on motion,

The Senate adjourned.

6 o'clock, P. M.

The Senate assembled.

On motion of Mr. Graham, the committee of the whole were discharged from the consideration of a bill of the House, entitled an act regulating weights and measures, approved Jan. 21, 1818, and on motion of the same gentleman, said bill was postponed until the 1st Monday in December next.

On motion of Mr. Graham, the committee of the whole were discharged from the consideration of a bill of the House, to amend the act subjecting real and personal estate to execution, approved Feb. 4, 1832, and said bill was read a third time and passed.

On motion of Mr. Lemon, the committee of the whole were discharged from the consideration of a bill of the Senate, supplementary to the act, subjecting real and personal estate to execution, and said bill postponed till December next.

On motion of Mr. Dumont, the following resolution was adopted.

Resolved, That when the Senate adjourn, they will adjourn until Monday morning, 7 o'clock.

On motion of Mr. Pennington, the committee of the whole were discharged from the consideration of a bill of the House, for the relief of Richard Palmer, and said bill was read a third time and passed.

On motion of Mr. Whitcomb, the committee of the whole were discharged from the consideration of a bill to provide for the sale of the salt lick reservations in this state, and said bill was laid on the table.

On motion, the committee of the whole were discharged from the consideration of a bill of the Senate amendatory to an act prescribing the mode of changing the venue, and said bill was laid on the table.

On motion, the committee of the whole were discharged from the consideration of a bill of the Senate, to abolish the office of agent of state for the town of Indianapolis, and to transfer the duties thereof, to the auditor of public accounts and treasurer of state, and said bill indefinitely postponed.

On motion of Mr. Whitcomb, the committee of the whole were discharged from the consideration of a bill of the House, to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831.

Said bill was amended, on motion of the same gentleman, read a third time and passed.

On motion, the committee of the whole were discharged from the consideration of a bill of the Senate, to incorporate the Harrison and Indianapolis turnpike company, and said bill was laid on the table.

On motion of Mr. Dumont, the committee of the whole were discharged from the consideration of a bill of the Senate, for the abolition of the imprisonment of female debtors, and said bill postponed till the first Monday in December next.

On motion of Mr. Whitcomb, a bill of the Senate to amend an act relative to crime and punishment, approved Feb. 10, 1831, was taken from the table.

Mr. Lemon moved that the further consideration of said bill be postponed indefinitely.

And on this question,

Those who voted in the affirmative, are

Messrs. Frisbie, Lemon and Robb—3.

And those who voted in the negative, are

Messrs. Blair, Clark, Dumont, Ewing, Feeny, Givens, Hanna, Hendricks, Herod, Jessup, Leviston, McCarty, Pennington and Whitcomb—14.

So said bill was not so postponed.

Mr. Lemon then moved that said bill be postponed till the first Monday in December next.

And on this question,

Those who voted in the affirmative, are

Messrs. Hanna, Hoover, Lemon, Robb and Whitcomb—5.

And those who voted in the negative, are

Messrs. Blair, Clark, Dumont, Ewing, Feeny, Frisbie, Givens, Graham, Herod, Jessup, Leviston, McCarty, Orr and Pennington—14.

So said bill was not thus postponed.

Mr. Robb moved to amend said bill by striking from the first

section of said bill, 'shall be imprisoned in the state prison at hard labor, not exceeding two years.'

Which motion was decided in the negative.

The bill was then read a third time, and on the question, shall said bill pass?

Those who voted in the affirmative, are

Messrs. Blair, Clark, Dumont, Ewing, Feeny, Givens, Graham, Hendricks, Herod, Jessup, Leviston, M'Carty, Orr, Pennington and Robb—15.

And those who voted in the negative, are

Messrs. Frisbie, Hanna, Hoover, Lemon and Whitcomb—5.

So said bill passed.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their disagreement to the amendment made by the Senate to the amendments of the House, to the amendments of the Senate, to the engrossed bill of the House, making specific appropriations for the year 1833, and have appointed Messrs. Fowler and Herley, a committee of free conference, to take into consideration, with a similar committee of the Senate, the disagreeing vote of the two Houses, on said amendment.

They have added Messrs. Schoonover and Dunn, to the committee of enrolled bills.

Also, the following message:

MR. PRESIDENT:

The House of Representatives have passed without amendment an engrossed bill of the Senate to amend an act, entitled an act relative to foreign attachments, approved Jan. 20, 1831.

They concur in the amendment made by the Senate to the engrossed bill of the House to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831.

The following message from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the amendments made by the Senate to the engrossed bill of the House to amend the act entitled an act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831.

They have passed an engrossed bill of the Senate, to authorize the Vigo circuit court to change the venue in a certain case therein named, with one amendment, in which I am instructed to ask the concurrence of the Senate.

On motion of Mr. Whitcomb, the Senate concur in the amendment of the House, to the bill last named.

The following message from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives have discharged their two committees of free conference, appointed to take into consideration with similar committees of the Senate, the disagreeing votes of the two Houses, on the first amendment of the Senate to the engrossed bill of the House making specific appropriations for the year 1833, and on the amendment of the Senate to the amendments of the House, to the amendments of the Senate to said bill, and they adhere to their disagreement to said two amendments of the Senate.

Mr. Graham moved that the Senate adhere to their amendments to said specific appropriation bill.

Which motion was decided in the negative.

Mr. Robb moved that the Senate recede from their said amendments to the bill aforesaid.

And on this question,

Those who voted in the affirmative, are

Messrs. Dumont, Givens, Hendricks, Jessup, Lemon, Leviston, M'Carty, Pennington and Robb—9.

And those who voted in the negative, are

Messrs. Blair, Clark, Ewing, Feeny, Frisbie, Graham, Hanna, Herod, Hoover, Orr and Whitcomb—11.

So the Senate did not recede from their said amendments.

On motion of Mr. Whitcomb, an engrossed bill of the House, entitled an act providing the mode of opening and repairing public roads and highways in the county of Monroe, was taken from the table, read a third time and passed.

On motion of Mr. Ewing, the vote of the Senate, rejecting a bill of the House to repeal an act, entitled an act regulating medical societies, approved Jan. 30, 1830, was re-considered.

Said bill was read a second time.

Mr. Ewing moved that the rules of the Senate be dispensed with, and the bill be read a third time now.

And on this question,

Those who voted in the affirmative, are

Messrs. Blair, Clark, Ewing, Frisbie, Herod, Jessup, Lemon, Leviston, McCarty, Pennington and Whitcomb—11.

And those who voted in the negative, are

Messrs. Dumont, Feeny, Givens, Graham, Hanna, Hendricks, Hoover, Orr and Robb—9.

Two thirds not voting in the affirmative, the bill was not read a third time now.

Ordered, That the same be read a third time on Monday next.

The following message, from the House of Representatives, was received, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives continue to adhere to their disagreement to the first amendment of the Senate, to the engrossed bill of the House making specific appropriations for the year 1833, and on the amendment of the Senate to the amendments made by the House to the amendments of the Senate to said bill, and have appointed Messrs. Bell and Stanford, a second committee of free conference, to take into consideration, with a similar committee to be appointed by the Senate, the disagreeing votes of the two Houses, on said amendments.

On motion of Mr. Graham, the Senate continue to insist to their several amendments to the bill aforesaid.

Mr. Graham moved that a second committee of free conference be appointed on the part of the Senate, to take into consideration the disagreeing votes of the two Houses, in reference to the same.

Which motion was carried in the affirmative.

Ordered, That Messrs. Whitcomb and Orr, be said second committee of free conference.

Mr. Whitcomb, from said committee, made the following report:

MR. PRESIDENT:

The committee of free conference, appointed to take into consideration the disagreeing votes of the Senate and House of Representatives, on certain amendments made by the Senate, to a bill of the House, making specific appropriations for the year 1833, have directed me to report that they have agreed that the Senate recede from their first amendment, and that the amendment of the Senate to the amendments of the House to the amendments of the Senate to said bill, be amended, by inserting 'fifty,' instead of 'one hundred,' in which they ask the concurrence of the Senate.

Which report having been read, was concurred in.

The following message, from the House of Representatives, was received by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives concur in the report of the second committee of free conference, appointed by the two Houses, to take into consideration their disagreeing votes, on the subject of the 1st amendment of the Senate to the engrossed bill of the House, making specific appropriations for the year 1833, and on the amendment of the Senate, to the amendments of the House to the amendments of the Senate to said bill.

And on motion,

The Senate adjourned.

MONDAY, FEBRUARY 4, 1833.

The Senate assembled.

Mr. Hoover, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the engrossed with the enrolled bills, entitled acts, as follows, to wit:

An act to incorporate the Harrison and Indianapolis turnpike company;

An act for the relief of Zachariah Ferguson, Stanhope Royster and John Perin;

An act for the relief of James M'Farland;

An act to establish a certain state road;

An act providing the mode of opening and repairing public roads and highways in the county of Monroe;

An act to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831;

An act for the relief of Ann M. Smith;

An act to amend the act, entitled an act subjecting real and personal estate to execution, approved, Feb. 4, 1832;

An act to amend the act, entitled an act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831;

An act to amend the existing laws, providing for the election of Representatives in Congress;

An act for the relief of Richard Palmer;

An act making specific appropriations for the year 1833;

And find the same truly enrolled.

Mr. Hoover, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, report that they did, on this day present to the Governor for his approval and signature, the following enrolled bills, to wit:

An act to incorporate the Harrison and Indianapolis turnpike company;

An act for the relief of Zachariah Ferguson, Stanhope Royster, and John Perin;

An act for the relief of James M'Farland;

An act providing for the opening and repairing public roads and highways in the county of Monroe;

An act to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831;

An act for the relief of Ann M. Smith;

An act to amend the act, entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1832;

An act to amend the act, entitled an act for the appointment of county surveyors and their deputies, approved Feb. 4, 1831;

An act to amend the existing laws providing for the election of Representatives in Congress;

An act for the relief of Richard Palmer;

An act making specific appropriations for the year 1833.

On motion of Mr. Givens, the following resolution was adopted:

Resolved, That the public printer furnish the Senate with two hundred copies of the list of acts and joint resolutions passed at the present session.

Mr. Leviston, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to authorize the Vigo circuit court to change the venue in a certain case therein named;

An act to amend an act, entitled an act relative to foreign attachments, approved Jan. 29, 1831;

An act to amend an act, entitled an act regulating the practice in suits at law, approved Jan. 29, 1831;

And find the same truly enrolled.

Mr. Leviston, from the joint committee on enrolled bills, reported, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to authorize the Vigo circuit court to change the venue in a certain case therein named;

An act to amend an act, entitled an act relative to foreign attachments approved Jan. 20, 1831;

An act to amend an act, entitled an act regulating the practice in suits at law, approved Jan. 29, 1831.

Mr. Pennington moved that the House now take up, with a view to a third reading and passage, the following bill, viz:

An engrossed bill of the House, entitled an act to repeal an act entitled an act regulating medical societies, approved Jan. 30, 1830.

Which motion was decided in the negative.

On motion of Mr. Hillis, the following resolution was adopted:

Resolved, That the thanks of the Senate be presented to the Hon. David Wallace, President thereof, for the very able, impartial and dignified manner in which he has discharged the arduous duties of the chair, during the present session of the General Assembly.

The following message, from the House of Representatives was received by Mr. White, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills, &c. I am instructed to bring them to the Senate for the signature of their President, to wit:

An act to incorporate the Harrison and Indianapolis turnpike company;

An act for the relief of Zachariah Ferguson, Stanhope Royster and John Perin;

An act for the relief of James M'Farland;

An act to establish a certain state road;

An act providing the mode of opening and repairing public roads and highways in the county of Monroe;

An act to amend an act, entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831;

An act for the relief of Ann M. Smith;

An act to amend the act, entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

An act to amend the existing laws, providing for the election of Representatives in Congress;

An act for the relief of Richard Palmer;

An act making specific appropriations for the year 1833;

An act to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831;

An act to amend the act, entitled an act to incorporate the Richmond, Eaton and Miami rail road company;

An act declaratory of the powers of notaries public;

An act supplemental to an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the state, into lots and to offer the same for sale, approved February 9, 1831;

An act supplemental to the act for the regulation of the state prison, approved Feb. 10, 1831;

A joint resolution to provide for binding and distributing the acts of Congress, deposited in the office of Secretary of State;

A joint resolution relative to the Indiana college;

An act to amend an act, entitled an act relative to foreign attachment, approved Jan. 20, 1831;

An act to authorize the Vigo circuit court to change the venue in a certain case therein named, and

An act to amend an act regulating the practice in suits at law, approved Jan. 29, 1831.

The House have adopted the following resolution:

Resolved, That a committee be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that both Houses of the General Assembly are now ready to adjourn *sine die*, if he has no further communication to make to them, and that the Senate be informed of the adoption of this resolution, and and a similar one on their part requested.

Messrs. Hargrove and Proffit have been appointed that committee on the part of the House.

The following message, from the Governor, was delivered by Mr. Maguire:

Mr. PRESIDENT:

I am directed to inform the Senate, that His Excellency the Governor has approved and signed acts and joint resolutions, which originated in the Senate, entitled as follows:

An act to provide an executive officer for the supreme court;

An act in relation to the Secretary and Treasurer of State and for other purposes;

An act to reduce the salary of the agent of the three per cent. fund;

An act to establish the St. Joseph orphan asylum;

An act for the relief of Mary Lane, widow of Daniel C. Lane, late treasurer of state;

An act to establish a levee from the town of Vincennes, through the lower prairie near the Wabash river, to the Grand Coulee;

An act to incorporate the Western Union seminary;

An act supplemental to an act to provide for the erection of a state house;

An act for the encouragement of education;

An act supplemental to an act to authorize the agent of state for the town of Indianapolis, to lay off the land belonging to the state into lots and to offer the same for sale, approved February 9, 1831;

An act to amend the act, entitled an act to incorporate the Richmond, Eaton, and Miami rail road company;

An act declaratory of the powers of notary public;

An act to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831;

A joint resolution authorizing the secretary of state to purchase a complete set of Niles' Register, for the use of the state library;

A joint resolution to provide for binding and distributing the acts of Congress deposited in the office of the Secretary of State;

A joint resolution relative to the Indiana college;

An act to amend an act, entitled an act regulating the practice in suits at law, approved Jan 29, 1831;

An act to authorize the Vigo circuit court to change the venue in a certain case therein named;

An act to amend an act, entitled an act relative to foreign attachments, approved Jan 20, 1831;

An act supplemental to an act for the regulation of the state prison.

On motion of Mr. Pennington, the following resolution was adopted:

Resolved, That a committee be appointed to wait upon his Excellency the Governor, in conjunction with a similar committee of the House of Representatives, and inform him that both Houses of the General Assembly having finished the business before them, are now ready to adjourn, and to learn whether he has any further communication to make to them.

Ordered, That Messrs. Pennington and Graham be the committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. White, their Clerk:

MR. PRESIDENT:

The House of Representatives reciprocate the resolution of the Senate, relative to their readiness now to adjourn *sine die*.

A message was received from the House, announcing the passage of a resolution appointing a committee on the part of the House, to wait on the Governor and to learn whether he had any further communication to make to the General Assembly, and that Messrs. Proffit and Hargrove had been appointed such committee on the part of the House.

Mr. Pennington, from the joint committee appointed to wait on the Governor, now reported that they had discharged that duty, and received for answer from the Governor, that he had no further communication to make to the General Assembly.

On motion of Mr. Lemon,

The Senate adjourned *sine die*.

J. H. FARNHAM, *Sec.*



APPENDIX [A.]

IN SENATE,

DECEMBER 15, 1832.

REPORT

OF THE

MICHIGAN ROAD COMMISSIONER.

The Commissioner elected to carry into effect the provisions of an act entitled, "an act to provide for selling the Michigan Road Lands, to open that part of the Michigan Road between Logansport and Lake Michigan and for other purposes," approved February 2d, 1832,

Reports, That on the 7th of March last, having entered into bond as required by the 2d section of the act above recited, he gave public notice, that at suitable places, named in the advertisements, he would, between the 16th of April and the 2d day of May, let to the lowest bidder, at public outcry, in sections of one mile each, the bridging of the streams, grading the banks and hills, and causewaying the swamps on that part of the Michigan Road, between Madison and Logansport, but before this could be done understandingly either to the Commissioner or contractors, it was necessary not only to examine, but to ascertain by actual admeasurement, the width and other descriptions of the swamps and low grounds to be causewayed, the width of streams to be bridged, and the elevation of the banks and hills to be graded on each mile. This was accordingly done, though at considerable expense to the fund, substantial mile posts were set, and a particular description of all the work to be let, as well as the manner of doing it, was made out in writing and deposited at the respective places of sale, at least ten days before the day of sale.

Pursuant to the advertisements, the first sale or letting of the

road was held at Madison for the improvement of sections 1 to 15, at which the construction of 180 feet of puncheon bridging, the causewaying of 2031 rods by ditching and throwing up on one side, (the ditch 2 feet deep, 2 feet wide at bottom and 4 feet wide at top,) and grading 42 banks and hills were sold for \$2,395, including the grading of the Madison hill, averaging \$159 80 per mile.

The second sale was held at Brown's on Big Graham, in Ripley county, for the improvement of sections 16 to 25, at which the construction of 190 feet of puncheon bridging, 1579 rods of causewaying, by ditching on one side, the grading of 36 hills and banks sold for \$906, averaging per mile, \$95 50.

The 3d sale was held at Napoleon for the improvement of sections 26 to 35. At the sale, the construction of 540 feet of puncheon bridging, 466 rods of causewaying, by ditching on one side and the grading of 64 hills and banks, sold for \$606 50, averaging per mile \$60 65.

The 4th sale was held at Greensburgh for the improvement of sections 36 to 50; at this the construction of 140 feet of puncheon bridging, 479 rods of causewaying by ditching on both sides, the removal from the road of 185 rods of old log causewaying, the grading of 19 banks, was sold for \$528, averaging per mile, \$35 86.

The 5th sale was held at French's Inn, in Decatur county, for the improvement of sections 50 to 60, at which the construction of 75 feet of puncheon bridging, 330 rods of causewaying by ditching on both sides, the grading of 11 banks and draining two large ponds was sold for 411 dollars, averaging per mile 41 dollars and 10 cents.

The 6th sale was held at Shelbyville for the improvement of sections 61 to 75: at this the construction of 390 feet of puncheon bridging, 150 feet of frame bridging, the repairing of the bridges over Lewis and Brandywine creeks, the construction of 685 rods of causewaying, by ditching on both sides and 640 rods on one side, the draining of 4 large ponds and grading 2 banks, sold for 934 dollars, averaging per mile 62 dollars and 26 cents.

The 7th sale was held at Doble's Inn, in Shelby county, for the improvement of sections 76 to 86: at this sale the construction of 193 feet of puncheon bridging, 1030 rods of causewaying by ditching on both sides, the draining of 6 large ponds and the grading of 13 banks, sold for 1013 dollars, making an average per mile of 92 dollars and 9 cents.

The 8th sale was held at Indianapolis, for the improvement of sections 87 to 111: at this, the construction of 575 feet of puncheon bridging, 849 rods of causewaying by ditching on both sides and the draining of 2 ponds and grading 29 banks and hills, sold for 1348 dollars and 50 cents, averaging per mile 53 dollars and 94 cents.

The 9th sale was held at Georgetown, in Boon county, for the improvement of sections 112 to 121: at this the construction of 645

feet of puncheon bridging, 613 rods of causewaying by ditching on both sides and 84 rods at an average depth of 4 feet on one side, the draining of 5 ponds and marsh prairies 350 rods and grading 10 banks, sold for 1649 dollars 50 cents, averaging 164 dollars and 95 cents per mile.

The 10th sale was held at Kirk's Inn, in Clinton county, for the improvement of sections 122 to 131: at this sale the construction of 295 feet of puncheon bridging, 100 feet of frame bridging, 230 rods of causewaying by ditching on both sides and draining 1 pond 102 rods, sold for 1532 dollars, averaging per mile 153 dollars and 20 cents.

The 11th sale was held at Michigantown, in Clinton county, for the improvement of sections 132 to 141; at which the construction of 340 feet of puncheon bridging, 180 feet of frame bridging, 469 rods of causewaying by ditching on both sides and 320 rods on one side, the draining of two ponds 160 rods, and the grading of 3 banks, sold for 1854 dollars, averaging per mile 168 dollars 56 cts.

This also includes a separate and subsequent sale for the improvement of the 145th mile for 375 dollars. To explain under that clause of the act, under which he acted, which gives the Commissioner discretionary power to change the location of the road upon banks, where such changes would lessen the expense of grading and not otherwise materially injure the utility of the road, he changed the location of the road on the banks of the north fork of Wild Cat. He did not thereby increase the distance but a few rods, and instead of several short bends as in first location, he has made but two long ones. Instead also of 10 or 12 ravines and high banks, apart from the creek banks, as in the first location of the road, the present location crosses but two. He feels confident that the change is an advantageous one to the road, and will prove a saving to the fund.

The 12th and last sale was held at Logansport, for the improvement of sections 142 to 162, except the 145th mile above referred to. At this sale, the construction of 670 feet of puncheon bridging, 440 feet of frame bridging, 3930 rods of causewaying by ditching on one side, 72 rods of double ditching, on both sides, the draining of 1 pond and the grading of 4 banks, sold for 3456 dollars, averaging per mile 172 dollars and 80 cents.

From the foregoing statements, it will be seen that contracts to the amount of 16,621 dollars and 50 cents, were entered into between the 16th of April and 2d of May, for the improvement of the road between Madison and Logansport, a distance of 162 miles, and that the average cost of these improvements is 102 dollars and 60 cents per mile. As the appropriation for this part of the road, was limited to 25,000 dollars, the Commissioner determined that he would not exceed that amount. Consequently in designating the quantity of work to be done on each mile, it was with the expectation that the whole appropriation would be there.

by expended. But as contracts were taken lower than expected by the Commissioner, there was still left an unexpended balance of the appropriation of 8378 dollars and 50 cents. This sum he determined not less in accordance with his own opinion, than with that of those most deeply interested, in the judicious expenditure of the fund, to expend in bridging some of the principal streams between Indianapolis and Madison. Consequently on the 3d of July, after having advertised the same 6 weeks in the newspapers published in Madison, Greensburgh and one at Indianapolis, he let at the court house in Indianapolis, the bridging of Flat Rock and Big Blue river. The first 130 feet and the latter 140 feet in length, for the sum of 5835 dollars. The plan adopted by the Commissioner is that of Mr. Ithiel Town's patent. It is entirely new in Indiana, but if used here with the same success as in Ohio, New York and other states, it must be greatly preferred on account of its cheapness, durability and simplicity of construction, to the plans now generally in use. That these are some of the advantages it possesses over other methods, is not only the opinion of the Commissioner, but of intelligent mechanics, who examined the model and plan which were furnished by the Commissioner for the benefit of contractors on the day of sale, and of others who have examined the bridge over Blue river. For the use of this patent, the Commissioner has agreed to give to the proprietor not to exceed 50 cents per foot.

In addition to these, the Commissioner also, on the 3d of July, let the construction of 4 frame bridges, 210 feet, for the sum of 393 dollars and 50 cents. The remaining part of the appropriation, 2150 dollars, was reserved for extra work, and the improvement of places not sufficiently provided for in the general letting.

Having placed the southern end of the road under contract, the Commissioner, on the 3d of May, commenced the survey of that part of the road between Logansport and Lake Michigan, preparatory to opening the same. During this survey, which was made with all the care that its importance deserved, the Commissioner made many changes, by which the distance was somewhat shortened, the road considerably straightened, and placed on decidedly dryer ground. Had the commissioner been permitted, he could, by locating it, in some places, on Indian lands, have still further benefitted it. The surveying being finished, and substantial posts set at the north end of each mile or section, and the Commissioner having advertised according to law, the opening of that part of the road 100 feet wide, the causewaying of the swamps, grading the banks and bridging the streams, he, accordingly, between the 14th and the 22d of June, in the manner directed by the law under which he acted, placed the whole under contract.

For the convenience of contractors, the whole distance was divided into five districts, and at each place of sale, within the respective districts, had been forwarded a minute description of the

work to be done, as well as the manner of doing it, at least two weeks previous to the sale. The first sale was held at Stanton's in Laporte county, 14 miles from Lake Michigan, at which the opening of 18 miles, (sections 85 to 102,) 100 feet wide, the building of 2 frame bridges, 40 feet each, 17 puncheon bridges, making 390 feet, the grading of 30 hills and banks, constructing 190 rods of log causewaying, (used over the worst description of marshes, such as cannot to all appearance, at least, be drained,) 284 rods of turnpiking, (used over wet prairies that can be drained,) and 545 rods of causewaying by ditching on one side, the ditch of the same dimensions as those of the southern end of the road, sold for 6204 dollars, making the average cost per mile, 345 dollars and 66 cents.

The second sale was held at Lykin's on Lake De Chemin, at which the opening of 12 miles, sections 73 to 84, 100 feet wide, the construction of 5 puncheon bridges 115 feet, 281 rods of log causewaying, 128 rods of turnpiking, 229 rods of ditching on one side, sold for 1867 dollars, making the average cost per mile, 155 dollars and 58 cents.

The 3d sale was held at South Bend, at which the opening of 32 miles, (sections 41 to 72) 100 feet wide, the construction of 2 frame bridges 140 feet long, 22 puncheon bridges, 425 feet long, the grading of 15 banks and hills, the construction of 201 rods of log causewaying, 278 rods of puncheon causewaying, (used over the worst description of prairie and cranberry marshes,) 473 rods of turnpiking, 684 rods of ditching on one side, sold for \$10,096, averaging per mile \$315.50.

The 4th sale was held at the crossing of Tippecanoe river, at which the opening of 16 miles, sections 25 to 40, 100 feet wide, the building of 17 puncheon bridges 210 feet, the grading of 21 hills and banks, constructing 59 rods of log causewaying, 28 rods of puncheon causewaying, 263 rods of turnpiking, and 280 rods of ditching, sold for \$4,681, averaging \$273.81 per mile.

The 5th and last sale was held at Logansport, at which the opening of 24 miles, sections 1 to 24, 100 feet wide, the construction of 1 frame bridge 180 feet long, 24 puncheon bridges, making 761 feet, the grading of 24 hills and banks, the construction of 347 rods of log causewaying, 1341 rods of turnpiking, and 1,116 rods of ditching on one side, sold for \$6,835, making the average cost per mile \$284.79.

On the first Monday in June, two months notice having been previously given, as prescribed by law, the Commissioner commenced in the town of South Bend, a sale of the Michigan road lands, at which there were sold 13,709 29-100 acres, for \$18,134.29, making the average price per acre one dollar and thirty-three cents. The highest price given for any one tract, was seven dollars per acre. At this sale, it had been most confidently expected by the commissioner, judging from the number of persons viewing the lands with a view to purchase when offered,

that a sufficient sum would be realized, to refund to the State, the amount of her claim against the road fund, and to redeem the scrip then in circulation; but unfortunately at this period, it was supposed, that this part of the State was in danger of being overrun by the north western Indians, and although these apprehensions proved to be groundless, yet they had the effect of driving not only purchasers, but even citizens out of the country.

Finding it impracticable to secure the State in her debt, by pursuing the law of last session, the Commissioner, previous to the commencement of the sales in October, at the instance of the Treasurer of State and Auditor of Public Accounts, reserved from sale, *except for cash*, the N. E. qr. or fractional qr. of each section. By this arrangement 1,774 dollars and 62 cents have been received, and paid into the Treasury. Should this method meet the approbation of the Legislature, they may rest assured, that the balance of the debt will be paid within the coming year; as not less than 27,680 acres of land are set apart for that object.

On the 3d Monday in October, the Commissioner held a second sale of the Michigan Road lands, in the town of Logansport, at which, 15,113 66-100 acres were sold for 22,635 dollars and 42 cents, making the average price per acre at this sale, one dollar and forty-three cents. The highest price paid for any one tract was 4 dollars and 50 cents per acre.

At the October and June sales, there were sold 28,823 5-100 acres, for the sum of 40,769 dollars, making the average price per acre one dollar and forty cents.

In October, 1831, there was sold 29,609 acres and 68-100 for the sum of 49,371 dollars and 91 cents. By adding these three sales together, it will be seen, that up to the close of the public sale in October last, there has been sold 58,432 73-100 acres of road lands for 90,141 dollars and 62 cents, making the average price per acre of these three sales one dollar and fifty-four cents per acre. By taking the quantity of land sold, from the whole road grant, which is 169,152 acres, it will be seen, that there are left 110,719 acres 27-100 to be disposed of by the General Assembly for the further improvement of the Michigan road, subject however, to the amount of such unredeemed scrip, and the amount not yet issued on the present contracts, and the remainder of the debt due the State. Since the public sale in October, up to the 24th of November, there has been sold at the Office opened by the Commissioner for that purpose, in Logansport, 92,191 84-100 acres, for the sum of 11,524 dollars and 77 cents, —1,841 dollars and 18 cents of which were in cash.

After putting the whole road under contract, from Madison to the Lake, it was ascertained that it would add much to the utility of the road, to have extra work done, on such swamps and other places, which had not been sufficiently examined and contracted for, at the public sales.

Document (A.) in a tabular form will show the nature and amount of such extra work, being 3,713 dollars and 7 cents. By this it will also be seen, that there has been expended, south of Logansport, 1,563 dollars and 7 cents, more than the appropriation.

Many of the Contractors will be unable to finish their work, by the last day of November, and the Commissioner hopes that a further time will be allowed them, particularly those north of Logansport.

Document (B.) will show the amount of scrip issued and registered by the former contract Commissioner. The amount issued by the present Commissioner on former contracts, and on contracts of the present year; the amount issued for contingent and incidental expenses; the amount received in payment of lands sold up to the 24th of November; the amount still in circulation, and the contingent and incidental expenses for this year, it will be seen by reference to Document C, are considerably more than was anticipated by the last General Assembly.

The Commissioner feels assured, that no expense has been incurred, which he did not deem necessary, in order to carry into effect the will of the General Assembly.

Document D., presents, in a Tabular form, the quantity and description of work contracted for, to be done on each mile, with the price and contractor's names.

Document E., is a register of the certificates of land sold.

All of which is respectfully submitted,

WM. POLKE, C. M. R.

December 15, 1832.

Tabular form of the improvements let on each mile South of Logansport, commencing at Madison.

Contractors Names.	No. of mile.	Frame bridge.	Length of frame.	Punchoon bridges.	Length of P. bridges.	Hills to be graded.	causwaying.		Amount sold.	[tion of from 4 to 5 1/2 deg. Madison hill graded to an eleva- no improvements. no improvements.
							Ditching one side.	Ditching both sides		
John Sering,	1								\$ 998 00	
John Sering,	2									
Matthew W. Ray,	3									
James Underwood,	4							306	125 00	
John Sering	5							320	135 00	
same,	6							320	136 00	
same,	7							320	137 00	
Thomas Jamison,	8							80	138 00	
same,	9								37 00	
Thomas Jamison,	10			2	50	3			49 00	
same,	11			1	15	2			88 00	
Jacob Bryant,	12								133 00	
John Sering,	13			3	35	9			140 00	

Erasmus Powell,	39					212	70 00	155 rods old log causewaying to
John Cobb,	40	1	20	3		29	40 00	[be removed.
same,	41	3	45	1		47	48 00	"
Erasmus Powell,	42	1	10	2		5	50 00	30
same,	43	1	10	4			44 00	
John Cobb,	44	1	10	1			14 00	to make a drain to spring branch.
Erasmus Powell,	45	1	10	6		10	73 00	nothing done
Nothing,	46							
John Cobb,	47							
same,	48	1	10	2		13	17 00	
William B. Cobb,	49					12	19 00	
Nothing,	50					116	117 00	nothing done
D. Boyer,	51	2	40	1		30	32 50	swamp to be drained to Clifty.
Jacob Boyer,	52			3			17 50	
John Walker,	53	2	20	1		49	90 00	swamp to be drained.
Peter Zeigler,	54	1	15	4			32 00	nothing done.
Nothing,	55							
S. C. Winningham,	56					44	39 00	
same,	57					49	50 00	
same,	58			1		34	34 00	
Jacob Boyer,	59					13	11 50	
William G. Paul,	60			1		111	104 50	
John Paul,	61				320	32	107 50	
William Medkeff,	62				320	52	118 50	
John Paul,	63	2	55			77	66 50	
John Hendricks,	64	1	30	1			39 50	[repaired. swamp drained and frame bridge

John Allen,	65					100	86 00	swamp drain'd & F. B. repair'd.
Nothing,	66							nothing to be done.
Nothing,	67							do.
Charles Chittendon,	68	1	20	60	1	54	66 00	
John Allen,	69	2	60			107	76 00	
Lewis Morgan,	70	3	90			79	73 00	
same	71	1	30			86	72 50	swamp to be drained.
same	72	2	150			121	177 50	brandywine bridge to be repard.
same	73	1	30			6	11 00	
Erasmus Powell,	74	1	30		1	26	35 00	
Lewis Morgan,	75	1				17	23 00	
Alexander Robertson,	76	2	63			80	68 00	
Nathan Simpson,	77				3	158	169 00	
Erasmus Powell,	78					94	90 00	
Alexander Robertson,	79					64	47 00	
Nothing,	80							Nothing to be done.
Alexander Robertson,	81	1	20		6	38	32 50	
John A. Greer,	82				1		65 00	
same	83	2	50			160	127 00	
same	84	2	60		3	6	19 50	
Alexander Robertson,	85					272	229 00	
same	86					161	166 00	
same	87					217	172 00	
John Walker,	88					39	34 00	
Robert Patterson,	89	1	30		1	40	69 00	[turned from road.
same	90					75	56 00	Timber cut and Pleasant run

David Stupp	144	1	25	3	10	400	00	Changed and cleared off 100 ft.
Richard Paris	145	4	100	8	80	375	00	Timber cut and cleared. [wide.
Harrison Barnett	146	3	80		156	75	00	
same	147	2	55		239	110	00	
Adam Vinnedg	148	2	55		154	149	00	
same	149	2	55	1	300	213	00	
Harrison Barnett	150	1	50		170	152	00	
same	151	1	60		246	189	00	
Adam Vinnedg	152	1	25		72	186	00	Marsh drained 40 rods.
same	153	1	30		320	254	00	
same	154	2	60		320	160	00	
same	155				320	154	00	
same	156	1	30		269	299	00	
Wm. A. Hall	157	1			320	159	00	
Adam Vinnedg	158	2	120		233	296	00	
Harrison Barnett	159	1	30		320	180	00	
Adam Vinnedg	160	1			178	88	00	
same	161	3	75			16	00	
same	162	1	30		8	13	00	At Logansport.
Henry Talbott	54	1				3095	00	Bridge over Flat Rock—str. abt.
N. Tal and N. Johnson	67	1	130			2740	00	do Blue river—wood. do.
John Walker	75	1	140			119	00	do. Little Sugar.
Robert Patterson	89	1	60			83	50	do. Lick creek.
James M'Cormack	98	1	40			76	00	do. Ravine E. of W. river
John Walker	99	1	60			115	00	do. Mud creek.—[These
	19	1	50					ridges were sold 3d of July, sep-
	1410	199	4203	264	9082	3504	\$22850	separately.]

A Tabular form showing the quantity and description of work let on each mile North of Logansport.

Contractor's names.	No. of miles.	Width opened in ft.	No. of frame bridges.	Length.	No. of puncheon B	Length in feet.	No. of hills.	No. of rods of log cross-ways.	Puncheon cross-ways in rods.	Turnpiking in rods.	Ditching in rods.	Amount sold.	Remarks.
Samuel Scott	1	100			1	20	1				0	3237 00	The miles are numbered north, from Logansport. 1
Alexander Wilson	2	"			1	45	5				25	270 00	Pond to be drained 25 rods.
William Demoss	3	"			5	80		4		36	42	209 00	Swamp to be drained E. 40 rods.
Silas Atchison	4	"			2	75				34	38	215 00	Swamp to be drained 40 rods.
Samuel Ward	5	"			1	25				136	28	170 00	Swamp to be drained 40 rods.
Silas Atchison	6	"								164		224 00	
same	7	"								120	33	289 00	
Daniel Bell	8	"				10				69		220 00	
same	9	"			1	10				40	142	199 00	
Silas Atchison	10	"			1	10					106	207 00	
Harrison Barnett	11	"			1	24				74		208 00	
Walter Wilson	12	"						50			4	388 00	

Walter Wilson	13	127	16	69	444 00
Daniel Bell	14	58	22	31	293 00
Alexander Wilson	15	1	100		299 00
same	16	40	228		239 00
William Scott	17	26	152		240 00
William A. Hall	18	42		122	399 00
same	19			105	300 00
William Polke Jr.	20			88	295 00
Jacob Bozarth	21			58	260 00
Charles P. Neeley	22		50	18	267 00
same	23				20 00
Sailors and Walker	24	1	140		589 00
John Walker	25		115		245 00
same	26	7	43		189 00
same	27	8			153 00
Wm. Scott	28	2		2	290 00
same	29	1		16	274 00
same	30			9	239 00
George Clymer	31	1	53	6	295 00
John Walker	32				239 00
George Clymer	33			22	273 00
same	34			149	485 00
George Caldwell	35			62	378 00
same	36	4		6	341 00
David Dinwiddie	37	24		14	378 00
Cyrus Tabor	38	54			200 00
		5			

P. bridge over Mud creek.

Pond drained 30 rods.

Nothing but opening 100 feet.
2 swamps to be dr. 30 rods each.

David Dinwiddie	91	"					42	66		468 00	Hill to be graded in centre.
John Sailor	92	"			1	25	9			543 00	
Wilson Malone	93	"			3	70	1		8	325 00	
Roberts S. Morrison	94	"			2	40	1	6	76	425 00	
Judah Leaming	95	"			2	45	4	47		298 00	
Alexander Blackburn	96	"			1	30	2	6	100	380 00	
John Sailor	97	"		1	40	30	2	52	69	689 00	
David Dinwiddie	98	"			3	50	2		236	770 00	Swamp to be drained 80 rods.
John Dickey	99	"		1	40	30	4	5	48	625 00	
Arthur M'Clure	100	"			2	40	2	17	12	296 00	
same	101	"			1	30	1	15	10	225 00	Swamp to be drained to Trail C.
Elijah H. Brown.	102	"			1					78 00	
					5400	871506	93	102825	62489	196229389	The am't N. of Logansport.

(C)

Wm. Polke in account with the State of Indiana, as Michigan
Road Commissioner Dr.

1832,

June 8,	To amount of sales of Michigan Road Lands at South Bend, as per Register of Certificates, numbered from 386 to 564, both inclusive,	\$18,134 29
"	To amount of scrip issued by Commissioner for vouchers numbered from 104 to 113 both inclusive,	1,126 13
Oct. 19,	To amount of public sales in October, 1832, at Logansport, as per Register of Certificates, numbered from 565 to 763, both inclusive,	22,635 51
23,	To amount of scrip issued by Commissioner to pay for vouchers numbered from 124 to 132, both inclusive,	692 25
Dec. 10,	To amount of scrip issued by Commissioner to pay vouchers numbered from 147 to 149, both inclusive,	249 50
	To amount of private land sales from October 20th to November 24th, inclusive, as per Register of Certificates, numbered from 764 to 868,	11,524 77

1832,

Cr.

By amount of scrip deposited in Treasury,	\$45,592 29
" " of cash,	4,574 50
" " of surveying account,	234 00
" " Incidental account,	661 75
" " Provision do.	99 88
" " Stationary do.	10 59
" " Clerk hire do.	1,059 00
" " Printing, do.	382 00
" " Forfeited Certificates,	650 15
" " Commissioner's services, 1831,	19 12
" " State officers salaries,	150 00
" " Drafts on Hon. Lewis Cass, Secretary at War, to be forwarded to Treasurer of State, &c.	575 00

The foregoing is correct.

WM. POLKE, Com.

Dec. 14, 1832.

(B.)

<i>Amount of scrip issued by former contractor on contracts of 1830.</i>	<i>Scrip issued by Commissioner on contracts entered into the year for the present year.</i>	<i>Amount issued for contingent and incidental expenses.</i>	<i>Total amount issued.</i>	<i>Amount redeemed.</i>	<i>In circulation.</i>	<i>Amount to be issued on present contracts.</i>
\$55,373 48	\$6,661 97	\$42,085 20	\$2,067 89	\$106,188 53	\$94,177 72	\$12,010 81
						\$15,661 02

(A.)

Extra work from Madison to Indianapolis.

No. of miles.	Contractors' names, &c.	Cost.
1	John Serring—Addition culvert on Madison hill as per agreement	\$400 00
	Setting and painting mile posts	15 00
11	Thomas Jemmison - - - - -	10 00
12	Jacob Bryant - - - - -	15 00
21	Joseph Breeding - - - - -	16 00
23		
25		
20		
22	James Blair - - - - -	
26		
27		
28		
31	John Walker - - - - -	12 00
33	same, - - - - -	5 00
39	George Myers - - - - -	6 00
40	Erasmus Powell - - - - -	25 00
41	John Cobb - - - - -	4 00
44	same, - - - - -	2 00
45	same, - - - - -	11 00
47	E. Powell - - - - -	6 50
48	John Cobb - - - - -	1 00
53	- - - - -	2 00
62	John Walker - - - - -	4 60
64	Wm. Medcalf - - - - -	28 75
65	John Hendricks - - - - -	8 50
66	John Allen - - - - -	22 00
69	- - - - -	2 00
58	John Allen - - - - -	42 50
70	M. Gay, special contract - - - - -	4 60
71	Lewis Morgan - - - - -	10 00
72	same, - - - - -	8 00
74	same, - - - - -	23 00
75	Erasmus Powell - - - - -	100 00
77	Lewis Morgan - - - - -	2 00
78	Nathan Simpson - - - - -	26 25
	E. Powell - - - - -	13 75

Extra work, &c., Continued.

No. of miles.	Contractors' names, &c,	Cost.
79	Alexander Robison - - -	23 00
81	same, - - - - -	6 00
82	John A. Greer - - -	22 50
83	same, - - - - -	16 50
85	Alex. Robison - - - - -	57 00
86	same, - - - - -	25 00
87	- - - - -	20 25
		\$996 70

Extra work authorized between Indianapolis and Logansport.

No. of miles.	Contractors' names, &c.	Cost.
109	Sidney Williams - - - - -	4 25
110	same, - - - - -	24 75
111	same, - - - - -	19 25
112 } 113 } 114 } 115 } 116 }	John Walker - - - - -	100 00
117	Sidney Williams - - - - -	242 00
118	same, - - - - -	351 25
120	Sidney Williams on Winningham & Co.	71 25
121	same, - - - - -	113 12
122		69 50
124		17 00
133	Walker and Shortridge - - -	234 00
134 } 135 } 136 }	same, - - - - -	414 00

Extra work authorized, &c., Continued.

No. of miles.	Contractors' names, &c.	Cost.
125	Richard R. Cox - - -	11 00
131 } 132 } 137 } 138 }	Richard G. Paris - - -	73 00
139	George W. Downs - - -	78 00
140	Sidney Williams - - -	289 00
141	same, - - -	19 00
142	same, - - -	196 25
143	same, - - -	157 00
146 } 147 } 150 } 151 } 159 } 148 } 149 } 153 }	Harrison Barnett - - -	40 75
154 } 155 } 156 } 157 } 158 }	Adam Vinnage - - -	150 00
		2716 37
	Extra from Madisom to Indianapolis -	996 70
	“ from Indianapolis to Logansport -	2716 37
	Total extra	3713 07

APPENDIX [B.]

IN SENATE,

DECEMBER 20, 1832.

MR. M'CARTY'S REPORT.

TO THE HON. THE PRESIDENT OF THE SENATE:

In compliance with the resolution of the Senate of the 17th inst. relative to the canal fund, on behalf of the Commissioners thereof, I respectfully submit the following statement.

First as to the contract for a loan.

A copy of our advertisement appended as marked A, the proposals of Messrs. J. D. Beers, & Co. marked B, and our acceptance of those proposals marked C, will present the negotiation made for \$100,000 in part of the authorized loan of \$200,000. The contract thus entered into, was consummated at the Merchants' Bank of New York, on August 18th, 1832, in the manner of concluding such arrangements, by our receiving at the Bank, on that date, of the said J. D. Beers, & Co. as well \$50,000, the first half of such loan, as \$13,260, the premium on the \$100,000, in exchange for which, we handed over bonds of the state, to the amount only of \$50,000; thus holding as our abundant security for their compliance with the residue of their engagements, the amount of premium above stated, \$13,260.

For the remaining half of the loan, to wit: \$50,000. bonds of the state were signed and deposited with the Merchants' Bank of New York. to be delivered to Messrs. J. D. Beers, & Co. on their completing the payment of the remaining \$50,000, due March 1, 1833, leaving the Bank the privilege of advancing the bonds to them earlier, at the sole risk of the Bank, provided interest be allowed the state at 6 per cent. from the date of such advance.

After conferring with one of the Commissioners of the canal fund of Ohio, and with dealers in stocks and funds to a considerable extent, your Commissioners became satisfied that a loan of \$200,000 in general terms, without a specific agreement as to the

time it would be drawn and bear interest, was impracticable, or if at all practicable, it would be taken barely at par, if at all, and for which, we received neither offer nor encouragement; whereas, by the positive stipulation, the premium above stated was secured, and an amount only contracted to bear interest, as near as we could estimate the demands of the Canal Commissioners from their requisition made, as per extract appended, marked D. We have since received the proposals of the Messrs. J. D. Beers, & Co. for taking the remaining \$100,000, allowing the state a similar premium as above said, provided we stipulate for a specific time when the loan will be required to be used. A copy of the bond executed is herewith presented, marked E.

Second. As to the precise amount of the canal fund, now on deposit in the Merchants' Bank of New York.

The amount thus deposited on Aug. 18th, 1832, by your Commissioners, and to our credit, was \$63,310 00 \$63,310 00

Arising thus,	
From half of loan of \$100,000	50,000
From premium on the said loan,	13,260
From premium on \$10,000, being $\frac{1}{2}$ per cent.	
thereon for eastern funds transferred to the west,	50
	<hr/> 63,310 00

From the above deposit, the following sums were drawn, in view of the requisitions of the Canal Commissioners above stated, viz:

By Nicholas M'Carty for canal purposes as above,	\$10,000
By Wm. C. Linton, " " "	7,800
	<hr/> 17,800 00

Leaving now on deposit in the Bank, \$45,510 00

By the arrangement made with the Bank, this balance bears 4 per cent. interest to the state, and is subject to draft at sight. It will be observed by reference to the requisition of the Canal Commissioners, that in place of transferring 17,800 dollars to the west, it was estimated to require of us to draw 48,000 dollars. But from the difficulty of profitably, or even safely depositing large sums of money in this state, and in the absence of any Bank convenient for canal operations, your Commissioners drew but the amount stated, believing also from their best information, that the amount required by the Canal Commissioners would not be needed here this fall. On the 10,000 dollars, as above drawn, by N. M'Carty, a premium of 50 dollars was paid in Bank, and it is bearing interest on loan, from the said August 18th, 1832, at 6 per cent. until used for canal purposes, and secured as in the appended statement of loans marked F, may be seen. On the 7,800

dollars drawn by Wm. C. Linton, a premium was also secured for eastern drafts, and interest not yet ascertained, and the amount thus drawn is by him, placed on deposit at Lafayette, subject to the requisitions of the canal operations. For paying over interest, the Bank makes no charge, while that duty cost the Ohio fund, a large sum annually.

Thirdly. "As to what portion of the loan negotiated must be received, subject to 6 per cent. interest, before it be actually required to satisfy the contracts and requisitions of the Canal Commissioners."

This estimate will be best understood probably, by reference to the requisitions made on us by the Canal Commissioners, as predicated on their contracts, above referred to and appended, marked D.

By this requisition, we were called upon, to have in readiness, in the months of August and November of 1832 inclusive, 48,000 dollars.

50,000 dollars, in conformity with which, in bonds of the state, bear interest of 6 per cent. as per loan from August 18, 1832. To reduce the running of said interest however, unprofitably against the state, part of the amount actually drawn by your Commissioners, is bearing 6 per cent. interest, as above stated, and the balance in bank above stated, bears 4 per cent. interest, being 45,510 dollars amount undrawn, but subject to our draft at sight.

In further requisition, as above said, we were called upon to have in readiness, in the months of March and May next inclusive, 42,000 dollars.

In conformity with which, \$50,000 will be subject to our draft on the first day of March next, from which date it will bear interest of 6 per cent.

As to the amount of land sales. The amount reported to us by the Canal Commissioners, by their requisition above said, as due May 14, 1832, was something above 44,500 dollars, and their estimate of the October sales, then made, was 60,000 dollars. It appears from their subsequent report, that the fall sales amounted to 47,961 dollars and 33 cents, which, with the amount stated as due above, is 92,461 dollars and 33 cents, in application to the said negotiation for 100,000 dollars. It may be observed, with reference to the excess of the negotiation, over the amount arising from sales as above, that 50,000 dollars of the loan so negotiated, is not to be drawn until March next, from which time only it is to bear interest as above. In addition to which, the land office is open for further entry of lands.

The cause of the amount estimated not being required in the progress of the Canal, is set forth by the Canal Commissioners in their report.

Lastly. "As to the sums of money belonging to the canal fund, which have been loaned, to whom and when loaned, the names of

the securities, and upon what time and terms such loans have been made."

In reference to the best manner of holding the funds which might from time to time accumulate in our hands, and which should bear interest in favor of the state, a communication was laid before your Commissioners, from the Commercial Bank of Cincinnati, offering 4 per cent. per annum, for any time under 6 months, and over that time 5 per cent. by receiving one months notice previous to the withdrawal. It was, however, determined by the board, at their meeting on May 24, 1832, to loan to known and solvent individuals, at 6 months, at 6 per cent. interest, and to bear 20 per cent. interest from date, if not paid at maturity. An exhibit of all loans of any part of the fund is appended, marked F.

It may be expected of us to add, that under the provisions of the 6th section of the law, appointing your Commissioners of the canal fund, we conceived it our duty to deposit the contingent fund above said, in the hands of safe individuals in preference to the offer we received upon making inquiry of the Commercial Bank.

Respectfully submitted,

On behalf of the Commissioners for the Canal Fund,
NICHOLAS M'CARTY.

Indianapolis, Dec. 18, 1832.

(A)

Indiana six per cent. stock, of 1832. }
200,000 dollars. }

Proposals will be received for a loan of 100,000 dollars 6 per cent. stock, being part of a loan of 200,000 dollars, authorized by an act of the General Assembly of the state of Indiana, approved January 9th, 1832, to provide means for the construction of the Wabash and Erie Canal, for the redemption of the capital of this loan, and payment of the interest, there are irrevocably pledged and appropriated all the monies to arise from the land ceded by the United States, to aid in the construction of the Canal, the Canal itself with the rents and profits thereof belonging to the state, and the irrevocable guarantee of the state, that those funds shall be sufficient for the purpose.

The loan will be on a credit of thirty years, but may be redeemed in whole or in part, by payment of 50 per cent. on each certificate, at the option of the state, any time after the 16th day of August, 1852, at the Merchants' Bank in the city of New York.— All the certificates will be issued in sums of one thousand dollars, payable to A. B. or bearer, with dividend warrants on the margin

for the interest payable semi-annually, at the Merchants' Bank, in the city of New York, upon presentation and delivery of the warrant. No offer will be received for a less sum than 10,000 dollars and a preference will be given to proposals not less than the full amount of the loan. Each proposal must specify the amount and the premium proposed.

The payment required will be 50 per cent. immediately after the proposals are accepted, when certificates bearing six per cent. interest will be issued. At the same time 10 per cent. will be required to secure the payment of the residue, for which receipts will be given bearing six per cent. interest. And the further instalment of 10 per cent. will be required on the 1st day of March next, at which time on the surrender of the receipts, certificates will be issued for 50 per cent. and the interest on the 10 per cent. be paid.

The decision will be on the highest positive bids, but the Commissioners reserve the right of declining any of the offers which may be made, if they deem them contrary to the interests of the state they represent. Proposals to be sent to the Merchants' Bank under seal, directed to the subscribers, on or before 4 o'clock, P. M. on the 15th day of August, and will be opened at 6 o'clock P. M.

The Canal contemplated by the law authorizing this loan, is estimated to cost about one million one hundred thousand dollars, and has been commenced with the faith of the state pledged for its completion within a given period.

WM. C. LINTON.
JEREMIAH SULLIVAN, } Comr's.
NICHOLAS M'CARTY. }

(B)

Copy of Proposals of J. D. Beers, & Co.

New York, August 15, 1832.

GENTLEMEN:

We propose to take the Indiana State Loan of one hundred thousand dollars, advertised for by you, at one quarter of a cent on the dollar over any other positive offer for the said loan.

Your ob't servants,

J. D. BEERS, & Co.

To Messrs. WM. C. LINTON, JEREMIAH SULLIVAN and NICHOLAS M'CARTY, Commissioners.

(C)

Copy of acceptance of proposals of J. D. Beers, & Co.

MERCHANTS' BANK, CITY OF NEW YORK, }
August 15, 1832. }

Messrs. J. D. Beers, & Co. New York,

GENTLEMEN:—Your offer for 100,000 dollars, Indiana 6 per cent. stock, advertised by us, has been accepted. Lewis Curtis having offered one hundred and thirteen dollars and one hundredth for each one hundred dollars of said stock, and your proposal being one quarter of a cent on the dollar over any other positive offer, we esteem it the best bid, and are now ready, at the Merchants' Bank, to consummate the contract on the part of the state of Indiana. Your offer is understood as 13 26-100 dollars premium on each hundred dollars.

Your obedient servants,

W. C. LINTON,
 NICHOLAS M'CARTY, } Comr's.

(D)

Copy of extract from requisition of Canal Commissioners.

Fort Wayne, May 14, 1832.

Messrs. Linton, Sullivan & M'Carty,

GENTLEMEN:—In reply to the communication of Mr. Linton of the 16th ult. stating the time of the meeting of your board at Indianapolis on the 24th inst., and requesting a statement from the Canal Commissioners of the amount of money, which will be required for Canal operations this year the periods it will be needed and the probable sums which will be wanted the next year, &c it is observed, that as nearly as can be estimated, there will be required this year,

Say in August,	\$12,000	
September,	12,000	
October,	12,000	
November,	12,000	
	<hr/>	\$48,000
Next year, say in March,	12,000	
May,	30,000	
September,	30,000	
	<hr/>	72,000
		<hr/>
		\$120,000

(E)

Indiana, Wabash and Erie Canal Loan for 1832, for \$200,000.
 Dividend Warrant, January 1, 1846. \$30.00.

(F)

Statement of monies belonging to the Indiana Canal Fund,
loaned out under the superintendence of N. M'Carty.

<i>Date of Loan</i>	<i>Persons to whom loaned and their securities.</i>	<i>Amount loaned.</i>	<i>Interest recd. & ln'd on renewal</i>
1832.			
Feb. 28.	To A. Harrison with W. Conner & A. W. Russel, sec. 1	\$1000	\$30
"	A. W. Russell with A. Harrison & W. Conner, 2	1000	30
March 16.	Dr. J. A. Sanders with S. Merrill & D. Williams. 3	500	15
"	Henry Bradley with D. Yandes & S. Merrill, 4	500	15
"	Hervey Bates with B. I. Blythe & Daniel Yandes. 5	1000	30
"	Daniel Yandes with B. I. Blythe & H. Bates. 6	600	18
"	J. P. Drake with B. I. Blythe & H. Bates. 7	1000	30
"	Brown & White with J. P. Drake & H. Brooks. 8	500	15
"	S. Merrill with James Blake & J. M. Ray. 9	1000	30
" 22.	Henry Porter & Co. with S. Hender- son & S. Merrill. 10	500	15
Nov. 5.	A. W. Morris with S. Merrill & J. M. Ray. 11	1000	
		8600	228
<p>MEMORANDUM. All the above notes, except No. 11, were renewed at their maturity, and the interest accrued included in Nos. 1, 2, 5, 7, 8, and 78 dollars of the interest re-loaned to Daniel Yandes per note, all at 6 months.</p> <p>August 18. Loaned at New York to Philo Hale of Washington City, as per his note at sixty days, payable at Indianapolis, with interest, he having paid in Bank for us, and to our credit 50 dollars premium, between eastern and western funds.</p> <p>Interest thereon accrued.</p>		10000	50 200
		18,600	478

MEM. The last loan above stated of 10,000 dollars, was satisfactorily secured, by the deposit in the hands of N. M'Carty, of eleven hundred thousand dollars Revolutionary Bounty Land Scrip, and it being ascertained after arriving home from N. York, that the money would not be required at present for Canal purposes, N. M'Carty continued the loan to Mr. Hale, at interest, by retaining the security, until he wished to pay it, or it should be required for canal expenditures.

As the nature of this security may not be generally understood, it may be proper to remark, that it is in scrip certificates of 100 dollars each, receivable in payment for land at either of the Land Offices in Ohio, Indiana or Illinois, and can, at any time, if necessary to make the loan out of the security pledged, be converted into money in sixty days, and produce more than the amount loaned and interest. It is a kind of security known to be willingly taken by the Banks on loaning money, and to be perfectly good and free from risk.

Statement of loans under superintendence of Wm. C. Linton.

To whom loaned, but the names of the securities are in Mr. Linton's possession.

March 25, 1832.	To James Wasson and others,	\$500
	William M'Murrian and others,	300
	L. H. & J. Scott,	2000
	John Jackson,	300
	Chauncey Rose,	1000
April 2,	Thomas Dowling,	550
7,	Demas Deming,	603
May 23,	" "	500
25,	Chauncey Warren,	700
23,	B. M. Harrison,	300
	Williams and Chase,	700
	Curtis Gilbert,	300
		<hr/>
		7753

Statement of loans under superintendence of Jeremiah Sullivan,
as far as their names are returned to this office.

April 26.	George W. Leonard, with others,	\$1000
	John Alling & William Robinson,	1500
June 1.	" " " "	500
April 26.	John Sering and others,	2100
	Stapp. Lanier, & Co,	350
	Moses H. Wilder and Thomas L. Payne,	50
May 12.	Wm. Sheets and John Sheets,	200
Dec. 8.	" "	2700
May 26.	Stephen C. Stephens with others.	400
		<hr/>
		9100

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